



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 3, 2011 **REPORT NO.** PC-11-028

ATTENTION: Planning Commission, Agenda of March 10, 2011

SUBJECT: FLOWER HILL PROMENADE - Project No. 172026
PROCESS 5

**OWNER/
APPLICANT:** Protea Flower Hill Mall, L.L.C.

SUMMARY

Issue(s): Should Planning Commission recommend approval of an application for approximately 74,995 square feet of additional commercial, office and storage space development, and a new parking structure within the existing 15.14-acre Flower Hill Mall at 2720 Via de la Valle?

Staff Recommendations:

1. Recommend to City Council the **certification** of Environmental Impact Report No. 172026, and **adoption** of the Mitigation Monitoring and Reporting Program and the applicant's Findings and Statement of Overriding Considerations; and
2. Recommend to City Council the **approval** of Coastal Development Permit No. 619980, Lot Line Adjustment No. 826904, and Easement Abandonment No. 826905.

Community Planning Group Recommendation: On July 22, 2010, the Carmel Valley Community Planning Board voted 11-3-0 to recommend approval of the project (Attachment 12) with conditions. See the Discussion section for conditions and analysis.

Environmental Review: An Environmental Impact Report No. 172026, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented to reduce, to a level below insignificance, most potential impacts identified in the environmental review process. The applicant has also provided their project's Findings and Statement of Overriding Consideration for significant and

unmitigable impacts.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: No residential units are proposed.

BACKGROUND

The approximately 15.14-acre project site is located at 2720 Via de la Valle at the northwest corner of Via de la Valle and San Andres Drive. Flower Hill Drive is to the north and the northbound ramp to Interstate 5 (I-5) is located to the west of the project site, in the CC-1-3 and Coastal Overlay (Non-appealable Area 2) Zones of the San Diego General Plan and North City Local Coastal Program Land Use Plan areas (Attachment No. 1). The site is irregular in shape and presently consists of 11.2 acres of developed land containing 112,116 square feet of attached and detached commercial space, restaurants, a movie theater, gas station, and surface parking spaces within the site and along Flower Hill Drive, along with 3.9 acres of ornamental landscape vegetation. Flower Hill Drive is a private roadway, within the boundaries of the proposed project. The site ranges from approximately 20 feet above mean sea level at the southern boundary to approximately 100 feet above mean sea level at the northern boundary. The southern half of the site is relatively flat and the northern half of the site contains a steep, south-facing manufactured slope (Attachment No. 2).

DISCUSSION

Project Description:

The project proposes to modify the existing shopping center by adding 43,754 square feet of retail stores including a 35,000 square-foot major food market and 8,754 square feet of new retail space. A total of 28,941 square feet of office space is also proposed along with 2,300 square feet of storage space within a new parking structure. The new retail and office space would be located in a two-story building with two wings connected by a covered breezeway. The new building would be located at the west end of the existing center. A new three-story, four-level parking structure, comprised of 82,739 square feet of gross floor area and containing 397 parking spaces, would be constructed behind (north of) the proposed new retail and office building.

To accommodate the new development, the existing 14,000 square-foot movie theater would be demolished and the existing City utility easement providing water services will be vacated as new services will be provided elsewhere on the property for the development. Also, the new development would require the adjustment of the existing parcel lot line to achieve required building setbacks for the proposed structures. Therefore, the development in the City's Coastal Overlay (non-appealable) Zone requires a Coastal Development Permit from the City of San Diego, the Easement Vacation of the utility service rights, and a Lot Line Adjustment.

Community Plan Analysis:

The project site is located within the City of San Diego's General Plan and the North City Local Coastal Program (North City LCP) Land Use Plan area and is subject to the goals and policies of these plans. The site is not located within a specific community plan.

The General Plan identifies the project site for Commercial Employment, Retail and Services land use. The project site is designated for Commercial Use in the North City LCP Land Use Plan. The proposed project is consistent with the land use designations and all applicable goals and policies of the City of San Diego General Plan and North City LCP Land Use Plan.

North City LCP

The primary purpose of the North City LCP is to help implement the goals of the California Coastal Act. The Coastal Act assigns authority for local agencies to issue coastal development permits through adoption of Local Coastal Plans. The City adopted and the Coastal Commission subsequently approved the North City LCP in 1981.

In general, the North City LCP applies to the various community plans that comprise the northern portion of the City of San Diego. As indicated earlier, the subject property does not lie within the boundaries of a community plan. However, the property was included in the North City LCP in order to allow the City to issue coastal development permits to areas in the North City that lay outside of formal community plans.

As a result of not being associated with a community plan, the North City LCP does not contain any goals, objectives or policies that apply directly to the property other than the land use designation, identified on page 103 of the North City LCP, which is consistent with the commercial land use designation applied by the City's General Plan. As the proposed project would not change the land use on the site, the project would be consistent with the North City LCP.

General Plan

- **Land Use Element:**
Policies of the Land Use Element of the General Plan include promoting the development of balanced communities, and striving for balanced commercial development. The proposed retail and office additions to an existing shopping center will provide greater shopping, commercial services and employment opportunities within the community.
- **Mobility Element:**
Policies of the Mobility Element of the General Plan include making sidewalk and street crossings accessible to pedestrians of all abilities, providing clear paths of pedestrian travel, incorporating pedestrian-oriented design, and requiring new development to have site designs and onsite amenities that support alternative modes of transportation.

The proposed commercial expansion will strengthen the pedestrian connection between the shopping center and Via de la Valle by constructing an accessible, pedestrian

walkway from the street to the shopping center. Alternative modes of transportation are encouraged by providing bicycle parking and a transit info kiosk with ride share information within the shopping center.

- **Urban Design Element:**

Policies of the Urban Design Element of the General Plan include designing buildings that contribute to a positive neighborhood character and relate to community context, encouraging the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking, and encouraging the placement of active uses, such as retailers and restaurants, on the ground floor of buildings.

The proposed project will be consistent with and compliment the scale, form, materials, and proportion of the existing commercial center on the premises and surrounding commercial areas. The proposed structures will comply with all underlying zone development standards, including height, setbacks, and maximum floor area, and no deviations are proposed. The project will also provide a partially below-grade parking structure, which will reduce land area devoted to parking and the visual impact of surface parking lots.

- **Economic Prosperity Element:**

Policies of the Economic Prosperity Element of the General Plan include increasing the vitality of commercial areas, providing goods and services easily accessible to residents, and promoting community identity. The redevelopment of community commercial centers should focus on expanding community functions through additional visual, recreational, and social amenities. In addition, mixed-use developments are encouraged in community commercial shopping centers.

The proposed project will introduce a specialty food market and other commercial services to the area, supporting the economic vitality of the existing commercial center. The project will provide easily accessible goods and services to residents since the project site is located in close proximity to nearby residences. The project is fostering community interaction and providing a social amenity in the form of a new plaza area adjacent to the retail spaces. In addition, the proposed commercial retail and offices uses contained within the same structure are consistent with the General Plan's policy of encouraging mixed-use development in community commercial shopping centers.

- **Public Facilities, Services, and Safety Element:**

Policies of the Public Facilities, Services, and Safety Element of the General Plan include requiring development proposals to fully address impacts to public facilities and services, the protection of beneficial water resources through pollution prevention and interception efforts, and maximum diversion of materials from disposal through the reduction, reuse, and recycling of waste.

The proposed project will result in less than significant impacts to water, wastewater, solid waste, storm drains and energy, and impacts to solid waste would be significant but

mitigable. The project will include measures to minimize the potential for sedimentation, erosion, and polluted runoff both during and after construction, and will implement a waste management plan to address solid waste management techniques including the reduction, reuse, and recycling of waste.

- **Conservation Element:**

One of the primary goals of the Climate Change and Sustainable Development section of the Conservation Element of the General Plan is to reduce the City's overall carbon dioxide footprint by improving energy efficiency, employing sustainable planning and design techniques, and providing environmentally sound waste management. The Conservation Element of the General Plan recommends the development and implementation of sustainable building standards for new and significant remodels of commercial buildings to maximize energy efficiency, including employing the self generation of energy using renewable technologies.

The proposed project will incorporate sustainable design features on the proposed structures, including efficient lighting and control systems, energy-efficient heating and cooling systems, thermal-efficient glazing/fenestration systems, the use of "cool roof" material, and the installation of water-efficient irrigation systems and devices. The self generation of energy using renewable technologies will be implemented by the incorporation of solar panels on the upper level of the parking structure. The project will also implement a waste management plan to address solid waste management.

Environmental Analysis:

The Environmental Impact Report (EIR) analyzed the environmental impacts of the proposed project. The evaluation of environmental issue areas in the EIR concludes that the project would result in significant and unmitigable direct and cumulative impacts related to transportation/circulation; significant, but mitigable direct impacts to biological resources and paleontological resources; and significant, but mitigable cumulative impacts related to transportation/circulation and public utilities (solid waste). No significant direct or cumulative impacts would occur to land use, visual effects and neighborhood character, noise, air quality, hydrology, water quality, or public utilities (water supply, water infrastructure, wastewater infrastructure, storm water infrastructure, and energy).

Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce the environmental effects of the project to below a level of significance with the exception of the significant, unmitigated impacts related to traffic and circulation.

- Traffic and Circulation direct increase in traffic volume on Via de la Valle between San Andres Drive and El Camino Real [West]:

The proposed project would have a significant direct traffic impact along the segment of Via de la Valle, between San Andres Drive and El Camino Real (West). A near-term segment level of service analysis was completed as a part of the traffic analysis and indicated the traffic volume would exceed the capacity on this segment. Since the project would contribute over 0.1 to the volume to capacity ratio at this segment operating at an unacceptable level of service, the project was considered to have a significant direct impact.

To avoid the direct impact on Via de la Valle, implementation of the project would need to be delayed until the planned improvements on Via de la Valle have been initiated. The applicant's project is conditioned to provide a contribution of up to \$3.8 million for the unfunded portion of Public Facilities Financing Plan (PFFP) Project No. T-32.1 for the widening of Via de la Valle between San Andres Drive to El Camino Real (West); however, construction of this segment is not controlled by the applicant. As a result, the project applicant could be forced to delay the start of construction for an unknown period of time. The applicant has determined a prolonged delay in construction of Project No. T-32.1 could represent an economic hardship for their development. Should the applicant be allowed to complete construction and assume operations of the proposed development prior to the start of construction for Project No. T-32.1, there is the potential for the project's direct impact to remain significant and unmitigated.

- Transportation/Circulation direct and cumulative increase in traffic on the segment of San Andres Drive between Via de la Valle and Highland Drive:

Increased traffic would lead to a significant direct and cumulative capacity impact to the San Andres Drive segment between Via de la Valle and Highland Drive. A near-term and horizon-year segment level of service analysis was completed as a part of the traffic analysis and indicated the traffic volumes would exceed the capacity at the San Andres Drive segment, and the level of service would be an unacceptable in both the near-term and horizon-year conditions. Since the project would contribute over 0.1 to the volume to capacity ratio at this segment, operating at an unacceptable level of service in both the near-term and horizon-year condition, the project contribution was considered a significant direct and cumulative impact.

The applicant's project is conditioned to alleviate the congestion by creating a new left turn lane from the northbound side of San Andres Drive into the shopping center at Flower Hill Drive. The addition of a northbound, left-turn lane on San Andres Drive would allow northbound motorists wishing to enter the shopping center to move out of the main travel lane before turning onto Flower Hill Drive to access the center. The installation of the northbound, left-turn lane will allow San Andres Drive to carry the anticipated project traffic increase and would reduce the project's segment capacity impact to below a level of significance. However, construction of the left-turn lane will require additional right-of-way from the adjacent property owner on the east side of San Andres Drive. The adjacent property owner has not agreed to provide additional right of

way for the widening improvements. Considering the current impasse between the applicant and the adjacent property owner, the City of San Diego has the authority to acquire the additional right of way from the adjacent property through eminent domain; however, there is no guarantee that the City would exercise its powers of eminent domain. Therefore, the potential direct and cumulative impact of the project on San Andres Drive between Via de la Valle and Highland Drive is considered unmitigated.

Considering the project's potential for unmitigated direct and cumulative impacts as noted above, the applicant has prepared a draft Statement of Overriding Considerations (SOC), included with the Flower Hill Promenade EIR in accordance with State CEQA Guidelines Section 15093. The SOC allows the City's decision maker to balance the specific economic, legal, social, technological, and other benefits the proposed project may have related to the unmitigated adverse transportation/circulation impacts identified. After consideration, the City's decision maker may determine the impacts are "acceptable" due to specific considerations which outweigh the unmitigated adverse environmental impacts of the proposed project.

Project-Related Issues:

- Wastewater treatment service within the City of San Diego is typically provided by the City's Public Utilities Department, Wastewater Division, which operates the Metropolitan Sewage System. However, the project site is serviced by the City of Solana Beach. The project proposes to connect to an existing 12-inch, City of Solana Beach sewer main that runs east-west within Via de la Valle. This connection would be located near the southern site boundary, approximately 140 feet west of the existing southern property entrance from Via de la Valle.

The project applicant has prepared a sewer report that concludes that adequate conveyance and treatment capacity is available to accommodate the proposed project without the need for any related improvements or facility expansions to the City of Solana Beach wastewater system. The City of Solana Beach has provided the project applicant a "will serve" letter indicating that "[t]he City is capable of accepting additional flows as a result of this development." As requested by the Public Works Director/City Engineer for the City of Solana Beach, the City of San Diego has included draft permit conditions related to the applicant's wastewater connections, flow monitoring, and any additional improvements to the utility service as determined by the City of Solana Beach.

- The project would meet its parking requirements by constructing a parking structure containing 397 spaces combined with 522 surface parking spaces within the parking areas in front and behind the center along Flower Hill Drive. The total parking spaces to be provided would be 919 including 25 handicap accessible spaces. Parking would include 10 spaces for motorcycles and eight spaces for bicycles.

The parking structure would be a three-story, four-level, above-ground structure located in the northwest corner of the site in an area that currently includes surface parking and vegetated slopes. The top level of the parking structure would be uncovered, and floors one through three would be a combination of enclosed and partially open walls. The top

level of the parking structure would be primarily for tenants and visitors of the proposed offices. The parking structure would have access from Via de la Valle through the surface parking lot into the western side of the structure. There would be a second entrance from Flower Hill Drive. A covered paseo would connect the parking structure to the retail and market components. In addition, the third level of the parking structure would have direct access to the offices. Lighting on the upper level of the proposed parking structure would be designed to minimize light spill into the residential development that lies to the north.

- The project would include several retaining walls. A series of four, parallel, stepped retaining walls ranging from 119 to 223 feet in length and up to 12 feet in height would be located west of the parking structure, east of Interstate 5's northbound on-ramp. One, approximately 40-foot tall retaining wall would be built into the north wall of the parking structure, with only 12 feet of the retaining wall exposed. All retaining walls would include plantings to help screen the walls.

Community Planning Group :

The project site is located in an area within the City of San Diego that does not have a recognized community planning group; however, pursuant to Council Policy 600-24, the adjacent recognized planning group, such as the Carmel Valley Community Planning Board (CVCPB), is empowered to provide recommendations to the City's decision makers. The CVCPB recommended approval of the project with conditions. The CVCPB recommended conditions are provided below followed by City staff's response:

1. **This recommendation of approval is conditional on consistency with the Draft EIR that was available to the Board at the time of action. The Board reserves the right to reconsider this action upon receipt and review of the Final EIR.** Comment noted.
2. **The Board does not support a realignment of Flower Hill Drive's intersection with San Andres based on a review of the facts presented and public testimony.** The project does not propose the realignment of Flower Hill Drive.
3. **All improvements on San Andres south of Flower Hill Drive shall be within existing right-of-way or be on the applicant's property. Improvements on San Andres are not supported north of Flower Hill Drive.** The proposed project would have direct and cumulative impacts on the public roadway segments of San Andres Drive between Via de la Valle and Highland Drive. To mitigate for the impacts, the applicant will be required to provide a 10-foot wide, northbound, exclusive left-turn lane at San Andres Drive and Flower Hill Drive. This left-turn lane will require the widening of 5 feet on each side of San Andres Drive between Flower Hill Drive and Via de la Valle to continue safe traffic operation along the roadway segment.

4. **The Board notes that updated comprehensive land use planning is needed for the Via De La Valle corridor due to concerns about community character resulting from both the cumulative changes occurring and potentially proposed to occur in this corridor, which is adjacent to the San Dieguito River Park, an environmental asset of immense value to the region. The Board requests that the City Planning & Community Investment Department prioritize preparing updated community plans for Via de la Valle, NCFUA Subarea II, and Fairbanks Ranch Country Club. Support for this proposed project does not imply that the Board will support further densification or improvements. Comment noted.**
5. **The City of San Diego should verify parking requirements.** The City evaluated and accepted the parking analysis provided by the applicant (LLG 2010a) which assessed the proposed project's parking requirements in addition to the existing Flower Hill Promenade parking requirements. A rate of 5 spaces per 1,000 square feet is applied to the entire center. This rate is identified as a minimum rate required in the City's Parking Regulations for lots zones CC-1-3 for mixed-use development in Table 142-05D. This translates to a minimum parking requirement of 866 spaces. The maximum permitted rate in the City's Parking Regulations for lots zones CC-1-3 for mixed-use development in Table 142-05D is 6.5 spaces per 1,000 square feet which would equal 1,125 parking spaces. The project proposes 919 parking spaces for Flower Hill Promenade.

The restriping of Via de la Valle would eliminate 12 street parking spaces on the north side along the project's frontage. As the project proposes more than the minimum 866 spaces required and would be less than the maximum 1,125 spaces allowed, the Flower Hill Promenade development would comply with the Municipal Code parking requirements.

6. **The applicant agrees to not oppose the community's desire for roundabouts at Via De La Valle and El Camino Real and immediately adjacent intersections currently under study by the City of San Diego.** During the Board meeting on July 22, 2010, the applicant state that they verbally agreed not to take any position on these improvements.
7. **The applicant will return to a Board subcommittee meeting before the Planning Commission hearing upon availability of the Final EIR with proposed building materials, colors and visual simulations of the entire west elevation of the project including buildings and the parking structure and terracing of the second story office above the building proposed for Whole Foods. The Board wants to ensure that the architecture, massing, scale, articulation, colors and materials present an appropriate visual appearance and contribute positively to community character, as this project is the gateway to the Via de la Valle corridor, which includes the San Dieguito River Park, and is visible from Interstate 5.** The applicant attended a Carmel Valley Community Planning Board subcommittee meeting on September 1, 2010. At the meeting, the applicant presented new renderings of the proposed architecture, massing and other design elements. The subcommittee expressed satisfaction with these new renderings on behalf of the full Board.

- 8. Hours of delivery shall be restricted to the City of San Diego noise ordinance. The applicant will consider further restricting hours to lessen the impact of delivery noise to the neighboring residences.** During the Carmel Valley Community Planning Board meeting on July 22, 2010, the applicant verbally agreed to comply with the City of San Diego's Noise Ordinance. Fixed source and/or operational noise are governed by the San Diego Municipal Code (SDMC) section 59.5.0401. The applicable sound level is a function of the time of day and land use zone. Sound levels are measured at the property line of the noise source. The limits are given in Table 5.4-2, City of San Diego Noise Ordinance Limits. The City of San Diego ordinances provide that the property line noise impact where two zoning districts meet shall be the arithmetic mean of the respective limits for the two zoning districts; thus, the noise limits for property lines separating multi-family residential and commercial zones are 60 dBA from 7:00 a.m. to 7:00 p.m., 55 dBA from 7:00 p.m. to 10:00 p.m., and 52.5 dBA from 10:00 p.m. to 7:00 a.m. The noise limits for property line separating single-family residential and commercial zones are 57.5 dBA from 7:00 a.m. to 7:00 p.m., 52.5 dBA from 7:00 p.m. to 10:00 p.m., and 50 dBA from 10:00 p.m. to 7:00 a.m. The development will continue to be subject the SDMC regulations and any enforcement actions.
- 9. Landscape installation shall provide maturity at time of installation. New landscape planting materials, including trees, shrubs and specimen plants, should provide at least 3/4 of the height, width and coverage expected at full maturity.** The proposed project's permit is conditioned to comply with City of San Diego's Landscape Regulations which include the City's Landscape Standards. The Landscape Standards establish the minimum plant material, irrigation, brush management, and other general landscape related standards. The proposed project currently exceeds the City's minimum planting area and points requirements with the materials and quantity provided. The majority of the applicant's proposed sized plant material at the time of installation does not meet the Board's requested landscape requirements, and the applicant has not committed to larger sizing on the landscaping plans.
- 10. Old and new signage shall conform to the current San Diego Sign Ordinance. A comprehensive signage program shall be presented to the Board for review and comments.** The project's permit is conditioned for the applicant's signage to comply with the sign criteria established by either the approved development's Comprehensive Sign Plan No. 1, dated February 6, 1976 or the City-wide sign regulations.

Conclusion:

City staff have reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided the draft findings to support approval of the proposed development, draft conditions of approval, and easement vacation exhibits (Attachments No. 5 – 8). City staff is recommending the Planning Commissioners recommend approval of the project as proposed.

ALTERNATIVES

1.
 - A. Recommend to the City Council **Certification** of the Environmental Impact Report No. 172026, **Adoption** of the Mitigation Monitoring and Reporting Program, and **Adoption** of Protea Flower Hill Mall's Findings and Statement of Overriding Consideration; and
 - B. Recommend to the City Council **Approval** of the Coastal Development Permit, Lot Line Adjustment, and Easement Vacation, with modifications; or,
2.
 - A. Recommend to the City Council they **Do Not Certify** the Environmental Impact Report No. 172026, **Do Not Adopt** the Mitigation Monitoring and Reporting Program, or **Do Not Adopt** Protea Flower Hill Mall's Findings and Statement of Overriding Consideration; and
 - B. Recommend to the City Council **Denial** of the Coastal Development Permit, Lot Line Adjustment, and Easement Vacation, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department

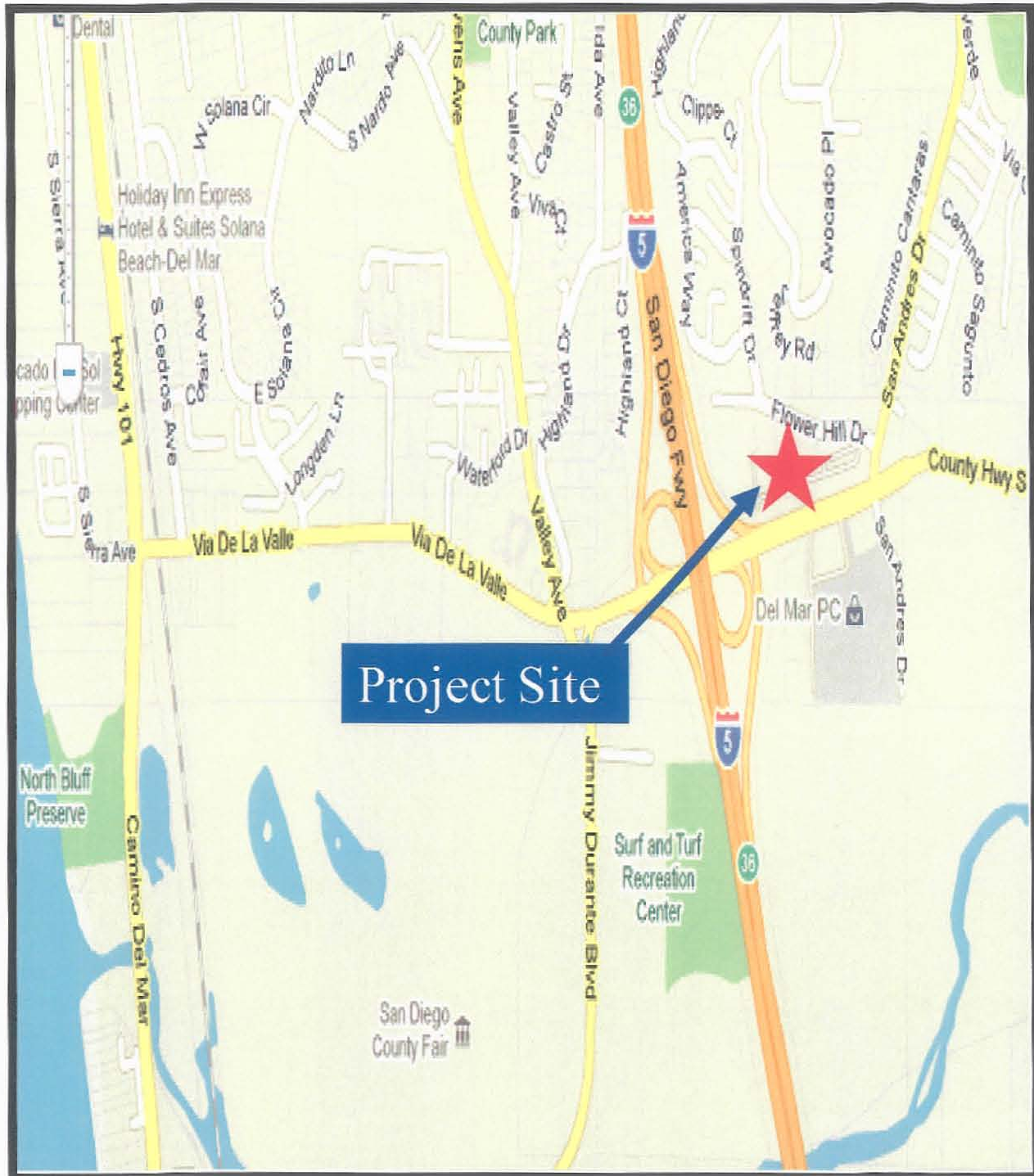


Tim Daly
Development Project Manager
Development Services Department

WESTLAKE/TPD

Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Easement Vacation Resolution with Findings
8. Draft Easement Vacation B-Sheet
9. Project Site Plan
10. Project Plans
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Project Chronology



Project Location

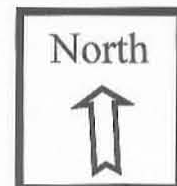
FLOWER HILL PROMENADE, Project No. 172026
2720 Via de la Valle

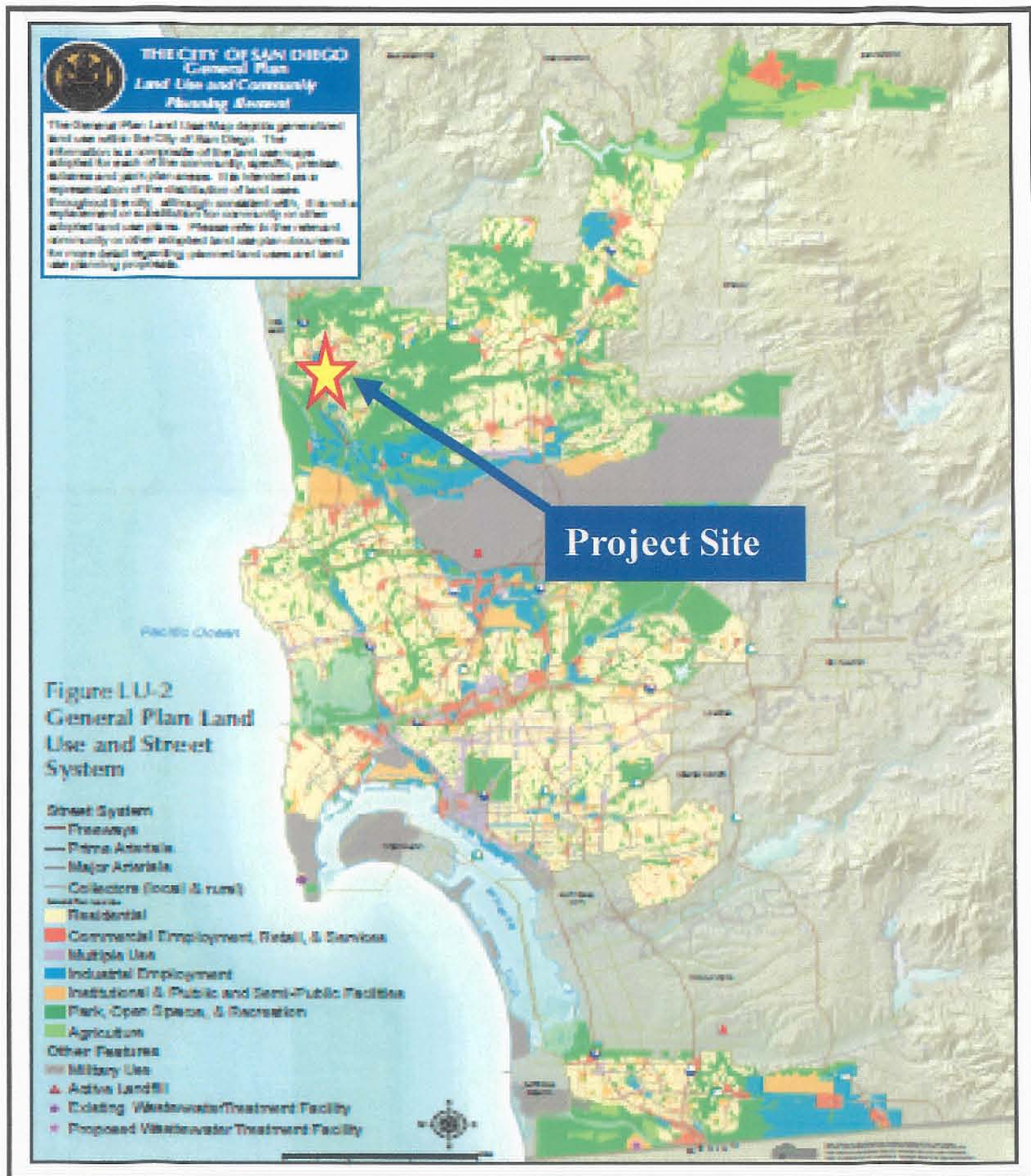




Aerial Photo

FLOWER HILL PROMENADE, Project No. 172026
2720 Via de la Valle





General Plan Land Use Map

Flower Hill Promenade, Project No. 172026
2720 Via de la Valle

North



PROJECT DATA SHEET

PROJECT NAME:	Flower Hill Promenade	
PROJECT DESCRIPTION:	Demolish an existing theatre and construct additional 74,995 square feet of commercial, office and storage space area, and a new parking structure within the existing Flower Hill Mall	
COMMUNITY PLAN AREA:	City of San Diego General Plan and North City Local Coastal Program Land Use Plan areas	
DISCRETIONARY ACTIONS:	Coastal Development Permit, Lot Line Adjustment, and Easement Vacation	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial Employment, Retail	
<u>ZONING INFORMATION:</u> ZONE: CC-1-3; Commercial-Community HEIGHT LIMIT: Max. 45 feet; Proposed 44 feet LOT SIZE: Min. 5,000 square feet; Exist. 659,526 square feet FLOOR AREA RATIO: Max. 0.75; Proposed 0.39 SIDE SETBACKS: Min. 10 feet; 4.5 feet provided PARKING: Req. min. 866 parking spaces; 919 provided		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	City of Solana Beach – Medium Residential (MR) 5- 7 du/ac and Estate Residential (ER-2) 1-2 du/ac	Condominiums and Single Family Residential
SOUTH:	Commercial-Community; CC-1-3	Commercial
EAST:	Commercial-Community; CC-1-3	Commercial
WEST:	Freeway	Interstate 5
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On July 22, 2010, the Carmel Valley Community Planning Board voted 11-3-0 to recommend approval of the project with conditions.	

(R-INSERT)

RESOLUTION NUMBER R- XXXXXX

ADOPTED ON APRIL XX, 2011

WHEREAS, Protea Flower Hill Mall, L.L.C. and Protea Flower Hill West, L.L.C., both California Limited Liability Companies, Owner/Permittee, filed an application with the City of San Diego for Coastal Development Permit No. 619980 to construct to demolish the existing 14,000 square-foot theater, construct approximately 74,995 square feet of new building area for commercial, office, and storage space area, and a new 82,739 square-foot, gross floor area parking structure at an existing commercial development known as the Flower Hill Promenade project, located at 2720 Via de la Valle, and legally described as Parcel 1 and 2 of Parcel Map No. 20470 in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, April 17, 2008, in the City of San Diego General Plan and North City Local Coastal Program Land Use Plan areas, in the CC-1-3 and Coastal Overlay (non-appealable) Zone(s); and

WHEREAS, on March 10, 2011, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 619980, and pursuant to Resolution No. XXXXXX-PC voted to recommend City Council approval of the permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on April XX, 2011, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 619980:

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The proposed development is located approximately one mile from the ocean. Therefore, it does not encroach upon any existing or proposed physical accessway used by the public to reach the shore. The project site is currently developed with an existing shopping center. The proposed project would expand and reconfigure the shopping center to include 74,995 square feet of new building area for commercial, office, and storage space area, and a new 82,739 square-foot multi-level parking structure. The ocean is currently not visible from the project site. The project site is visible from the northbound lanes of Interstate 5, the Del Mar Shopping Center, and San Dieguito Lagoon to the south. The site is minimally visible from Interstate 5 southbound lanes due to the raised portion of the freeway and the proximity of the development to the vegetated slope. The visual stature and bulk of the proposed buildings will be partly offset by their proximity and placement below the slope on the north and west sides of the project. The project will not be substantially more visible from public spaces than the existing development. The market building will be closer to Via del la Valle and farther from the slope than the current cinema building, making it more prominent from roadways. However, the structures proposed on site would not obstruct any public viewing areas since the site sits lower than topographical features immediately to the north. The project is near the San Dieguito Lagoon; however, the Del Mar Shopping Center is situated between the Lagoon and the proposed project and currently obstructs views nearest to the site. For these reasons, the proposed project would not result in any impacts to public views to and along the ocean.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project site is currently developed and there are no environmentally sensitive habitats on the site, nor is the site adjacent to the City of San Diego's Multi Habitat Planning Area. The existing slopes on the site are manufactured and do not meet the definition of environmentally sensitive lands. The nearest environmentally sensitive lands are associated with the San Dieguito Lagoon which lies approximately 1,000 feet south of the project. The project site is separated from the lagoon by Via de la Valle and the Del Mar Shopping Center.

The separation of the project from the lagoon will avoid direct impacts and reduce indirect impacts on this environmentally sensitive resource. In addition to the spatial separation, impacts to environmentally sensitive lands will be minimized by implementation of water quality control measures mandated by City's Municipal Storm Water Permit and water quality regulations. Additionally, the project proposes to implement several green building standards including a water filtration system for storm drains. Therefore, the proposed development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The certified Local Coastal Program land use plan is consistent with the City of San Diego General Plan (General Plan) and North City Local Coastal Program (LCP) Land Use Plan land use designations. The project proposes uses consistent with the General Plan land use designation (commercial employment, retail, and services) and implementing zone (CC-1-3). It is covered by the City's Local Coastal Program, which is included in the Coastal Resources section of the Conservation Element of the General Plan. The Conservation Element of the General Plan includes several policies to implement the Local Coastal Program. The proposed project complies with the relevant policies of the program. The Conservation Element includes policies to reduce runoff and improve the quality of runoff discharged into coastal waters, encourage conservation measures and water recycling programs that eliminate or discourage wasteful uses of water, develop and expand water-efficient landscaping, and improve urban runoff water quality through implementation of storm water protection measures. The Flower Hill project proposes several sustainable techniques which will implement these policies such as using landscaping with low water requirements, using water-efficient irrigation control systems and devices, such as soil-moisture based irrigation controls, retaining storm water runoff within landscaped areas where possible, and installing a water filtration system for storm drains. Therefore, the project is in conformance with the regulations of the certified Local Coastal Program and Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed coastal development does not lie between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The development will have no affect upon public access and the recreation policies of Chapter 3 of the California Coastal Act and therefore be in conformance with such Act.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Coastal Development Permit No. 619980 is granted to Protea Flower Hill Mall,

L.L.C. and Protea Flower Hill West, L.L.C., both California Limited Liability Companies, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN GOLDSMITH, City Attorney

By

Nina Fain
Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

Form=permitr.frm(61203wct)

Reviewed by Tim Daly

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23432020

COASTAL DEVELOPMENT PERMIT NO. 619980
FLOWER HILL PROMENADE PROJECT NO. 172026; MMRP
City Council

This Coastal Development Permit No. 619980 is granted by the City Council of the City of San Diego to Protea Flower Hill Mall, L.L.C. and Protea Flower Hill West, L.L.C., both California Limited Liability Companies, Owners and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0701. The 15.14 -acre site is located at 2720 Via de la Valle in the CC-1-3 and Coastal Overlay (non-appealable) Zone(s) of the City of San Diego General Plan and North City Local Coastal Program Land Use Plan areas. The project site is legally described as Parcel 1 and 2 of Parcel Map No. 20470 in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, April 17, 2008.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to demolish the existing 14,000 square-foot theater, construct approximately 74,995 square feet of new building area for commercial, office, and storage space area, and a new approximately 82,739 square-foot gross floor area parking structure at an existing commercial development, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April XX, 2011, on file in the Development Services Department.

The project shall include:

- a. Demolition of the existing 14,000 square-foot theatre building; construct a new two-story, approximately 72,695 square-foot commercial and office building structure; and construct an approximately 82,739 square-foot gross floor area parking structure with 397 spaces consisting of approximately, three-story portion above ground and approximately 62,053 square-foot below ground, which includes a 2,300 square-foot storage area in the structure;

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. A series of stepped retaining wall structures of approximately 220 linear feet and 47 feet in height at the highest point; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies

including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.
12. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 172026, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
13. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 172026, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Transportation and Circulation;
Biological Resources;
Paleontological Resources; and
Public Utilities (Solid Waste)

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any construction permit for a building, excluding a permit for the retaining wall, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the private storm drains, landscape, irrigation and their appurtenances located within the City's right-of-way.
15. Prior to the issuance of any construction permit for buildings, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
16. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
17. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.
18. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
19. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to

requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

20. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99 08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99 08 DWQ.

21. Prior to the issuance of any construction permit for a building, excluding a permit for the retaining wall, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway on San Andres Drive to provide adequate sidewalk transitions, per Standard Drawing G-14B, G-16 and SDG-100, satisfactory to the City Engineer.

22. Prior to the issuance of any construction permit for a building, excluding a permit for the retaining wall, the Owner/Permittee shall assure by permit and bond the installation of City standard curb ramps with truncated domes, on both sides of the project entrances on Via De La Valle and San Andres Drive, satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

23. Prior to issuance of any construction permits, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department, and satisfactory to the City Engineer.

24. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out, and satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

25. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A," Landscape Development Plan.

26. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

27. Construction plans within the public right of way shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

28. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy or a Final Landscape Inspection.

30. Any required planting that dies within three years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs or trees that die three years or more after installation shall be replaced with 15-gallon size or 60-inch box size material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15-gallon shrub or 60-inch box tree.

PLANNING/DESIGN REQUIREMENTS:

31. Upon completion of the development, the Owner/Permittee shall maintain a minimum of 866 off-street parking spaces (including 9 carpool spaces, 15 standard accessible spaces and 3 van accessible spaces), 10 motorcycle spaces, and 8 bicycle spaces with rack(s) provided on the property at all times in the approximate locations shown on the approved Exhibit "A" and as required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

32. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

33. Prior to the issuance of construction permits for buildings, pedestrian paths shall be shown on the construction documents consistent with Exhibit "A." The paths shall be continuous, clear of obstructions, easily identifiable as pedestrian paths, and visually distinguishable from other hardscaping. Pedestrian paths shall be separated from vehicular access areas by wheelstops, curbs, landscaping, or other physical barriers, except when crossing driveways or aisles.

34. Prior to the issuance of construction permits for buildings, construction documents shall fully illustrate the incorporation of the following sustainable design features on the new structures and on the site and landscape plans:

- The installation of efficient lighting and lighting control systems.
- The installation of energy-efficient heating and cooling systems, appliances and equipment, and control systems.
- Limiting the hours of operation of outdoor lighting.
- The use of thermal-efficient glazing/fenestration systems.
- The use of "cool" roof material.
- The creation of water-efficient landscapes.
- The installation of water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.

35. Prior to the issuance of certificate of occupancy, solar panels shall be incorporated on the shade structures proposed on the upper level of the parking structure. Employing the self generation of energy using renewable technologies is a central policy of the Conservation Element in the City's General Plan.

36. All signs associated with this development shall be consistent with sign criteria established by either the approved development's Comprehensive Sign Plan No. 1, dated February 6, 1976 or the City-wide sign regulations.

37. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

38. Prior to issuance of any construction permit for a building, excluding a permit for the retaining wall, the Owner/Permittee shall assure by permit and bond the construction of a minimum 5-foot wide non-contiguous sidewalk along the project's frontage along Via de la Valle as shown on the project's Exhibit "A", satisfactory to the City Engineer.

39. Prior to issuance of any construction permit for a building, excluding a permit for the retaining wall, the Owner/Permittee shall assure by permit and bond the construction of a

minimum 5-foot wide non-contiguous sidewalk along the project's frontage along San Andres Drive as shown on the project's Exhibit "A", satisfactory to the City Engineer.

40. Prior to issuance of any construction permit for a building, excluding a permit for the retaining walls, the Owner/Permittee shall assure by permit and bond the installation of a "Keep Clear" marking on the pavement on-site, where the project driveway on Via de la Valle meets the east/west circulation aisle, approximately 100 feet north of Via de la Valle. Additionally, no stop signs shall be placed facing northbound traffic at the location where the main project driveway meets the east/west circulation aisle.

41. Prior to issuance of the any construction permit for a building, excluding a permit for the retaining walls, the Owner/Permittee shall dedicate 5 feet along the project frontage on San Andres Drive to provide a minimum 10-foot curb to property line distance, satisfactory to the City Engineer.

42. Prior to issuance of the construction permit for a building, excluding a permit for the retaining walls, the Owner/Permittee shall provide evidence of a recorded Shared Parking Agreement that allows Assessor Parcel No. 298-490-44 the right to use 528 automobile parking spaces on Assessor Parcel No. 298-490-43, satisfactory to the City Engineer.

43. Prior to issuance of any construction permit, the Owner/Permittee shall provide a Letter of Credit or a cash payment contribution for up to \$3.8 million toward the planned improvements for the Black Mountain Ranch Public Facilities Financing Plan Project No. T-32.1 for the widening of Via de la Valle between San Andres Drive to El Camino Real (West), from a two lane to a four lane roadway, and improve the Via de la Valle/El Camino Real (west) intersection.

44. Prior to issuance of any construction permit for a building, excluding a permit for the retaining walls, the Owner/Permittee shall assure by permit and bond the widening of the project driveway on Via de la Valle to provide one southbound left, one southbound through/right, and one southbound right lane, satisfactory to the City Engineer.

45. Prior to issuance of any Certificate of Occupancy for a building, the widening of Via del la Valle between San Andres Drive and El Camino Real (west) from a two-lane to a four-lane roadway and the improvement of the Via de la Valle/El Camino Real (west) intersection shall have commenced construction.

46. Prior to issuance of any construction permit for a building, excluding a permit for the retaining wall, the Owner/Permittee shall assure by permit and bond the widening San Andres Drive by 5 feet on each side between Via de la Valle and Flower Hill Drive and the installation of a northbound left turn lane on San Andres Drive at Flower Hill Drive, satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

47. All onsite sewer facilities that serve only this lot shall be private.
48. Prior to the issuance of any Certificate of Occupancy, the Owner/Permittee shall install all sewer facilities required by the accepted sewer study necessary to serve this development. Sewer facilities as shown on the approved plans may require modification based on the accepted sewer study, satisfactory to the Director of Public Utilities and the City Engineer.
49. Prior to the issuance of any construction permits for public improvements, the Owner/Permittee shall grant adequate sewer, and/or access easements for all public sewer facilities that are not located within public rights of way, satisfactory to the Director of Public Utilities. Easements shall be surfaced with suitable approved material, satisfactory to the Director of Public Utilities and the City Engineer.
50. Prior to the issuance of any construction permits for public improvements, the Owner/Permittee shall obtain an Encroachment, Maintenance, and Removal Agreement for all proposed improvements, including grading, utilities, landscaping, and enhanced paving located in or over any public sewer access easement, satisfactory to the Director of Public Utilities and the City Engineer.
51. No structures or landscaping shall be installed in or over any sewer easement that would inhibit access to replace a section of main or provide access to any manhole or isolated section of main.
52. No trees shall be installed within ten feet of any sewer facilities or in any sewer access easement. No shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer main or within access easements.
53. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within ten feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements (GUE) in private roads and driveways shall be sized with sufficient width to provide for other agencies facilities. In side yards or other non-street areas, a GUE must be dedicated for the exclusive use of the City of San Diego Public Utilities Department, satisfactory to the Director of Public Utilities and the City Engineer. Any other agencies will require separate easements.
54. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide, satisfactory to the Director of Public Utilities and the City Engineer.
55. The proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the construction permit building plan check, satisfactory to the Director of Public Utilities and the City Engineer.

56. Prior to the issuance of any construction permits, excluding demolition and/or retaining wall activities, the Owner/Permittee shall provide written verification to the City of San Diego from the City of Solana Beach indicating this site is authorized to discharge sewer flows into the City of Solana Beach wastewater system, satisfactory to the Director of Public Utilities and the City Engineer.

57. The Owner/Permittee shall design, obtain permits, and construct all proposed (private and public) sewer facilities to the most current laws, ordinances, and regulations of the City of Solana Beach, satisfactory to the City Engineer of the City of Solana Beach. The type of sewage discharged into the sewer system shall meet the requirements and restrictions of the San Elijo Joint Powers Authority.

58. Prior to the issuance of any construction permit, excluding demolition and/or retaining wall activities, the Owner/Permittee shall provide a copy of a final report, prepared for the City of Solana Beach, conducting an existing conditions flow measurement on the existing 12-inch diameter vitrified clay pipe (VCP) in Via de la Valle, west of the project site. The flow measurements shall occur during both the AM and PM peak hours for three days, including a weekend, satisfactory to the Director of Public Utilities and the City Engineer.

59. Prior to the issuance of any construction permit, excluding demolition and/or retaining wall activities, the Owner/Permittee shall provide evidence that an agreement has been fully executed between the City of Solana Beach and the Owner/Permittee. The agreement shall require the Owner/Permittee to perform a flow measurement survey of the existing 12-inch diameter vitrified clay pipe (VCP) in Via De La Valle within one month after full occupancy of the new shopping center. The flow measurements shall occur during both the AM and PM peak hours for three days, including a weekend. If it is determined, by the City Engineer of the City of Solana Beach, that the existing system is inadequate to convey the additional flow due to this project expansion, the agreement shall require the Owner/Permittee to improve the existing wastewater distribution system to the satisfaction of the City Engineer of the City of Solana Beach.

WATER REQUIREMENTS:

60. Prior to the issuance of any construction permits for public improvements, the Owner/Permittee shall assure by permit and bond the design and construction of two 12-inch diameter water mains within a 24-foot wide minimum water easement. The water mains must be connected with 20-inch X 20-inch X 20-inch tee and three valves to the existing 20-inch diameter water main in Via De La Valle right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

61. The Owner/Permittee shall process an Encroachment, Maintenance, and Removal Agreement(s), for all acceptable encroachments into the water easement, including but not limited to structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

62. Prior to the issuance of any construction permits for public improvements, the Owner/Permittee shall assure by permit and bond the design and construction of any new water

service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

63. Prior to the issuance of any construction permits for buildings, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device, on irrigation water service, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

64. Prior to the issuance of any Certificates of Occupancy for buildings, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

65. The Owner/Permittee shall design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on April XX, 2011 and [Approved Resolution Number].

Permit Type/PTS Approval No.: CDP No. 619980
Date of Approval: April XX, 2011

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Tim Daly
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

Protea Flower Hill Mall, L.L.C.,
A California Limited Liability Company
Owner/Permittee

By _____
NAME
TITLE

Protea Flower Hill Mall West, L.L.C.,
A California Limited Liability Company
Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

VACATION OF WATER EASEMENTS ON PARCELS 1 AND 2
OF PARCEL MAP NO. 20470, NORTH OF VIA DE LA VALLE,
EAST OF INTERSTATE 5, AND WEST OF SAN ANDRES
DRIVE.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* San Diego
Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public
easements by City Council resolution; and

WHEREAS, it is proposed that 15-foot wide water easements, Approval No. 826905 be
vacated; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the
Mayor because this matter requires the City Council to act as a quasi-judicial body, a public
hearing was required by law implicating due process rights of individuals affected by the
decision, and the Council was required by law to consider evidence at the hearing and to make
legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on April XX, 2011, testimony having
been heard, evidence having been submitted, and the City Council having fully considered the
matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to a 15-
foot wide water easement located within Parcel 1 and 2 of Parcel Map No. 20470, north of Via
De La Valle, east of Interstate 5, and west of San Andres Drive as dedicated to the City of San
Diego, recorded October 23, 1975 as Document No. 75-293687, as shown on Parcel Map No.

20470, recorded in The Office of County Recorder, San Diego County, on April 17, 2008, together with a 15-foot wide water easement acquired per the easement exchange pursuant to City Council Resolution No. 219240, adopted September 7, 1977, and as shown on City Drawing No. 16259-D, the Council finds that:

(a) There is no present or prospective use for the easements, either for the facility or purpose for which they were originally acquired, or for any other public use of a like nature that can be anticipated.

The public water line within the existing easements currently services a building that will be removed as part of the Flower Hill Promenade Project in connection with Coastal Development Permit No. 619980. Once the existing building is demolished there will no longer be any use for the water line and the corresponding easement.

(b) The public will benefit from the abandonment through improved utilization of the land made available by the abandonment.

There will no longer be any use for the easements; therefore, the abandonment of the easements and removal of the water services removes any physical and legal restraints for future improvements.

(c) The abandonments are consistent with any applicable land use plan.

The project site, zoned CC-1-3, is located within the City of San Diego General Plan area and is designated for commercial use. The site is currently developed with an existing shopping center. The proposed project would expand and reconfigure the commercial shopping center to include the demolition of an existing theatre, the construction of a new commercial and office building, and a new parking structure. Once the existing theatre building is demolished, there

will no longer be use for the corresponding easements. The proposed reconfiguration of the commercial development will remain consistent with the applicable land use plan.

(d) The public facility or purpose for which the easements were originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easements were acquired no longer exists.

The purpose for which the water easements were acquired no longer exists. The building that the public water line serves is being removed as part of the Flower Hill Promenade Project in connection with Coastal Development Permit No. 619980 .

BE IT FURTHER RESOLVED, that the water easements located within Parcel 1 and 2 of Parcel Map No. 20470, north of Via De La Valle, east of Interstate 5, and west of San Andres Drive in connection with Coastal Development Permit No. 619980, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 36393-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, are ordered vacated.

BE IT FURTHER RESOLVED, that said easement abandonments are conditioned upon the completed installation and operation of the new water utility services serving the project site and the removal of all the existing abandoned water utility services. In the event this condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

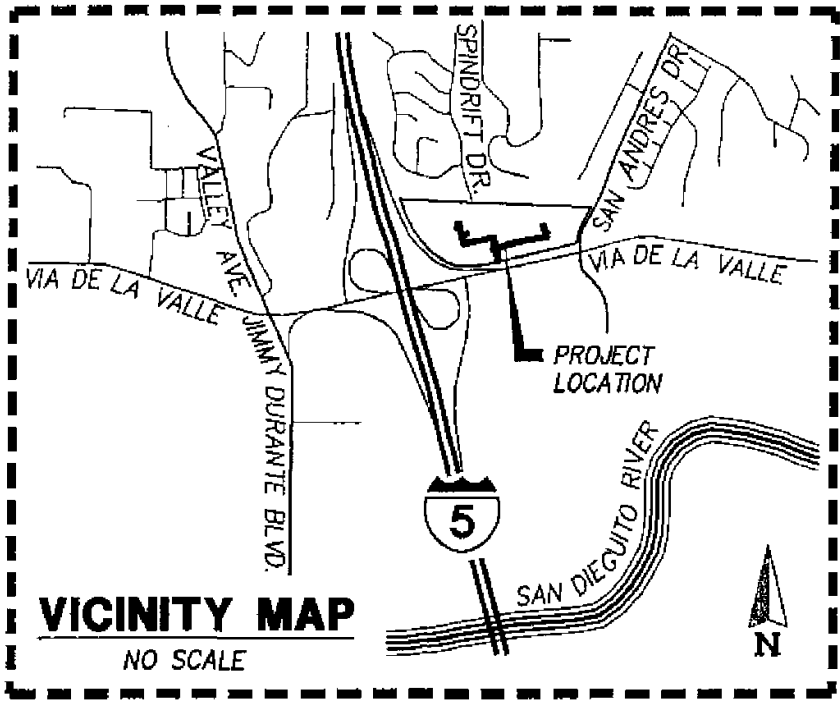
BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in

the office of the County Recorder after being notified by the property owner that the
aforementioned water facilities have been moved and relocated.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Nina Fain
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:DSD
JO: 23432020
Drawing No. 36393-B
R-R-[Reso Code]




ASSESSOR'S PARCEL NO.'S:

298-490-43 & 44

REFERENCE DRAWINGS:

- PARCEL MAP NO. 20470
- DWG. NO. 16259-D

LEGEND:

 INDICATES 15' WIDE WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED OCTOBER 23, 1975 AS FILE NO. 75-293687, O.R. AND AS SHOWN ON PARCEL MAP NO. 20470, TOGETHER WITH 15' WIDE WATER EASEMENT ACQUIRED PER THE EASEMENT EXCHANGE PURSUANT TO CITY COUNCIL RESOLUTION NO. 219240 ADOPTED SEPTEMBER 7, 1977 AND AS SHOWN ON CITY DRAWING NO. 16259-D; VACATED.
AREA = 0.370 ACRE



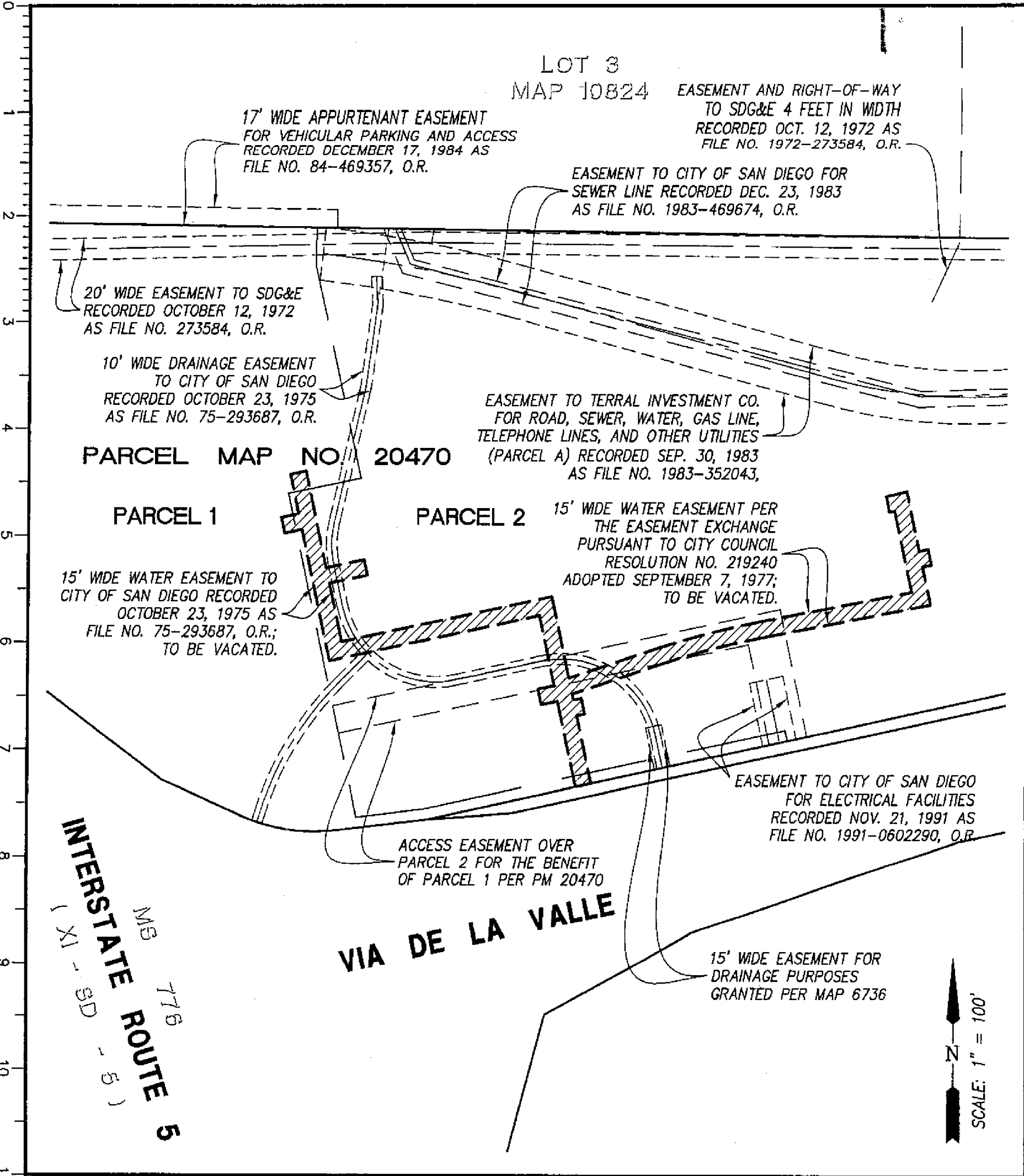
GARY L. HUS, L.S. 7019 DATE



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
701 B Street, Suite 800 San Diego, CA 92101
619.235.8471 Tel 619.234.0349 Fax

WATER EASEMENT VACATION
IN PARCEL 1 AND 2 OF PARCEL MAP NO. 20470

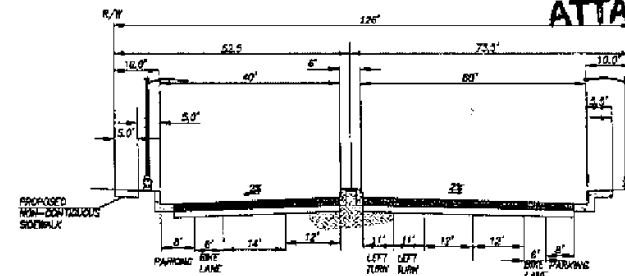
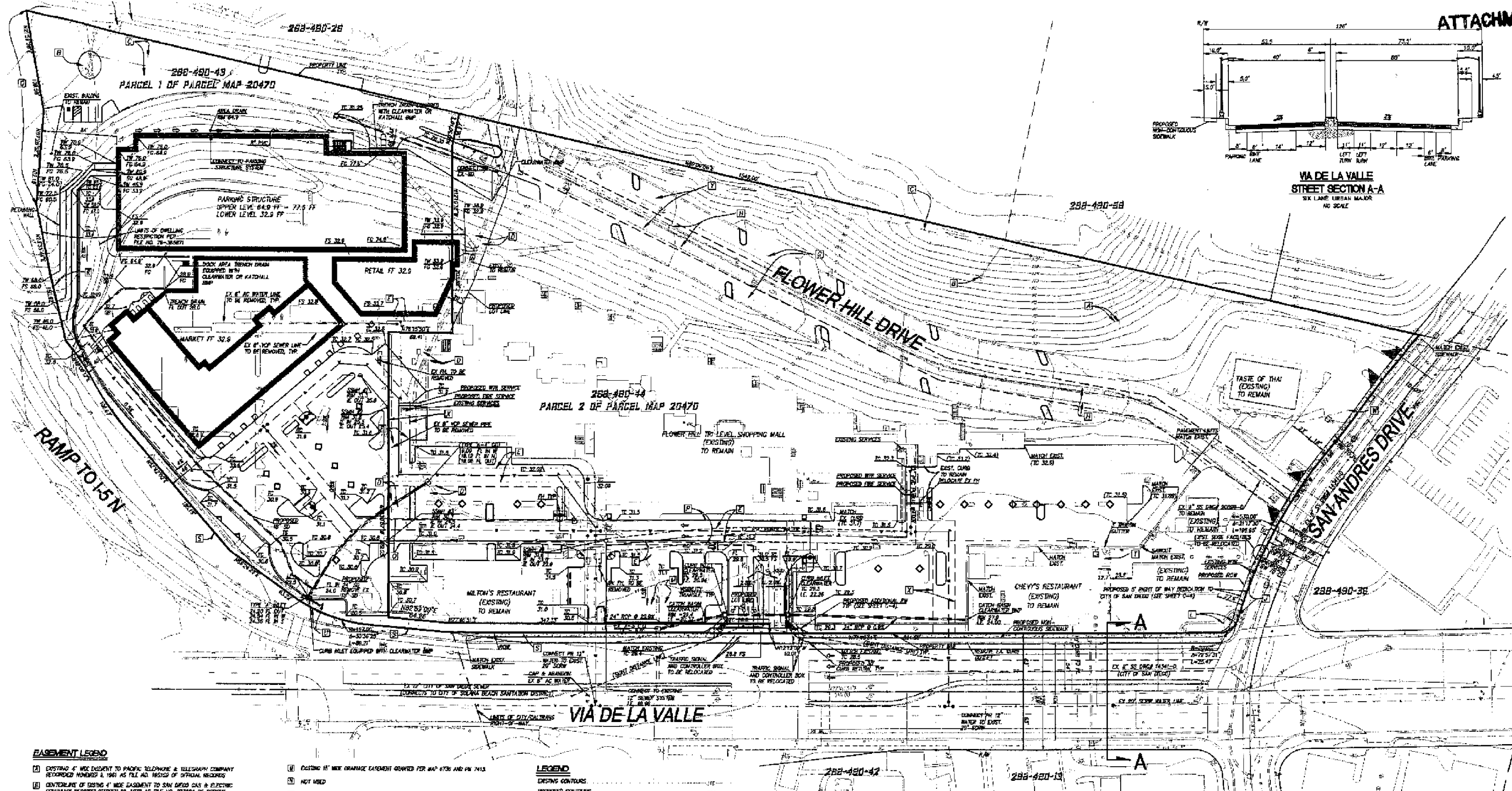
DESCRIPTION	BY	APPRVD.	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 2 SHEETS	P.T.S. NO. 172026
ORIGINAL	PDC					1936-6251
					FOR CITY ENGINEER	CCS83 COORDINATES
					DATE	296-1691
						LAMBERT COORDINATE
						-1-B



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
701 B Street, Suite 800 San Diego, CA 92101
619.235.6471 Tel 619.234.0349 Fax

WATER EASEMENT VACATION
IN PARCEL 1 AND 2 OF PARCEL MAP NO. 20470

DESCRIPTION	BY	APPRVD.	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 2 OF 2 SHEETS		P.T.S. NO. 172026
ORIGINAL	PDC						1936-6251
					FOR CITY ENGINEER	DATE	CCS83 COORDINATES
							296-1691
							LAMBERT COORDINATE
							-2-B



VA DE LA VALLE
STREET SECTION A-A
6X LANE URBAN MAJOR
NO SCALE

EASEMENT LEGEND

1. EXISTING 4" WIDE EASEMENT TO PACIFIC TELEPHONE & TELEGRAPH COMPANY RECORDED NOVEMBER 4, 1961 AS FILE NO. 165523 OF OFFICIAL RECORDS
2. CENTERLINE OF EXISTING 4" WIDE EASEMENT TO SAN DIEGO GAS & ELECTRIC COMPANY RECORDED OCTOBER 12, 1972 AS FILE NO. 273594 OF OFFICIAL RECORDS
3. CENTERLINE OF EXISTING 20" WIDE EASEMENT TO SAN DIEGO GAS & ELECTRIC COMPANY RECORDED OCTOBER 12, 1972 AS FILE NO. 273594 OF OFFICIAL RECORDS
4. EXISTING 10" WIDE EASEMENT TO CITY OF SAN DIEGO RECORDED OCTOBER 25, 1971 AS FILE NO. 75-262657 OF OFFICIAL RECORDS
5. EXISTING 15" WIDE WATER EASEMENT TO CITY OF SAN DIEGO RECORDED OCTOBER 25, 1971 AS FILE NO. 75-262657 OF OFFICIAL RECORDS
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LEGEND

- EXISTING CONTOURS
PROPOSED CONTOURS
PROPOSED SEWER MAIN / MANHOLE
PROPOSED STORM DRAIN & CLEANOUT OR INLET
PROPOSED WATER MAIN
PROPOSED FIRE HYDRANT
PROPOSED CURB
PROPOSED GROUND OUTLET CL
EXISTING DRAINAGE EASEMENT
EXISTING STORM DRAIN & CLEANOUT OR INLET
EXISTING SEWER MAIN
EXISTING WATER MAIN
EXISTING FIRE HYDRANT
SLOPE GRADE
EXISTING STREET LIGHT
PROPOSED SEWER CLEANOUT
LOT LINE
BOUNDARY LINE
PROPOSED GROUND DITCH
WATER LINE
EXISTING EASEMENTS
PROPOSED RAMP WITH INDICATED DOWNS
EXISTING GRADE

EARTHWORK

FILL	2,000 C.Y.	RET WALL MAX LENGTH	25.1 FT.
CUT	23,300 C.Y.	RET WALL MAX HEIGHT	12.0 FT.
NET	21,300 C.Y. CUT	TOTAL AREA TO BE GRADED	5.7 ACRES
MAX CUT	42.1 FT.		
MAX FILL	0 FT.		

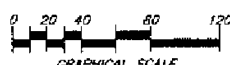
NOTE: QUANTITIES ARE ADJUSTED FOR GEOTECHNICAL RECOMMENDATION, PARKING UNDERCUT ONE FOOT. QUANTITIES ARE FOR PERMIT PURPOSES ONLY. CONTRACTOR SHALL OBTAIN ALL QUANTITIES. A VARIATION REPORT IS REQUIRED FOR ANY EXPORT/IMPORT OF SOILS.

NOTE: PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR ON-SITE PERMANENT BMP MAINTENANCE SATISFACTORY TO THE CITY ENGINEER.

NOTE: PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (SPREADING REGULATIONS) OF THE MUNICIPAL CODE INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS, SATISFACTORY TO THE CITY ENGINEER.

TOPOGRAPHIC SOURCE: SAN-10 AERIAL SURVEYS 4675 VIEWBORE AVE, SAN DIEGO, CA 92123 (1985) 500-100 FLOW @ 1-1-84

PROPOSED TYPICAL PARKING STALL DETAIL
1/2" WIDE IF TWO SIDES ADJUTING OBSTACLE



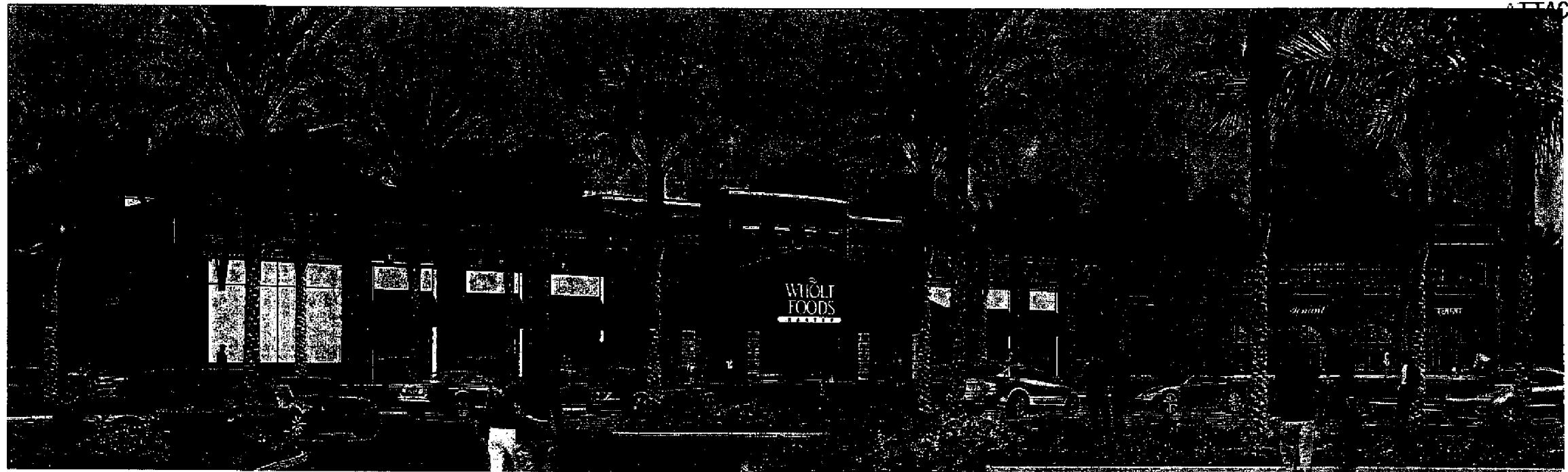
COMPLETENESS REVIEW	ORIGINAL DATE: 12/24/08	REVISION 4: 01/04/10
FULL SUBMITTAL	REVISION 1: 01/26/09	REVISION 5: 07/26/10
	REVISION 2: 05/22/09	REVISION 6: 04/22/10
	REVISION 3: 05/28/09	REVISION 7: 11/16/10

CIVIL SITE PLAN/GRADING

SCALE: As Indicated

SHEET C-1

2 of 21



PARKING

REQUIRED VEHICLE PARKING	TOTAL REQUIRED FOR PROJECT: 5.0/1000 SF FOR 173,111 SF = 866 SPACES
	BREAKDOWN: EXPANSION AREA: 5.0/1000 SF FOR 74,995 SF = 375 SPACES EXISTING AREA: 5.0/1000 SF FOR 98,116 SF = 491 SPACES
	OLD PROJECT SURFACE PARKING TOTAL: 787 SPACES (INCLUDES ACCESSIBLE, MOTORCYCLE, AND LOADING SPACES)
PROVIDED VEHICLE PARKING	PROPOSED SURFACE PARKING TOTAL: 522 SPACES PROPOSED GARAGE PARKING TOTAL: 397 SPACES TOTAL PROJECT PARKING: 919 SPACES PROPOSED PARKING RATIO: 5.31 SPACES PER 1,000 GSF HANDICAPPED SPACES REQUIRED FOR EXPANSION: 2% OF 919 SPACES = 18 SPACES PROVIDED: 5 EXISTING + 20 NEW = 25 TOTAL SPACES
MOTORCYCLE PARKING	MOTORCYCLE PARKING FOR EXPANSION: REQUIRED: 2% OF THE MINIMUM NUMBER OF REQUIRED PARKING SPACES (375) = 8 SPACES PROVIDED: 2 EXISTING + 6 NEW = 10 TOTAL SPACES
BICYCLE PARKING	BICYCLE PARKING FOR EXPANSION: REQUIRED: 0.1/1000 SF (74,995 SF) = 8 SPACES PROVIDED: 8 SPACES
CARPOOL	9 SPACES REQUIRED FOR 28,941 SF OFFICE PER: LDC SECTION 142.0530 TABLE 142.05F 28,941 GSF = 0.3 SPACES/GSF = 8.68 (9 SPACES REQUIRED)

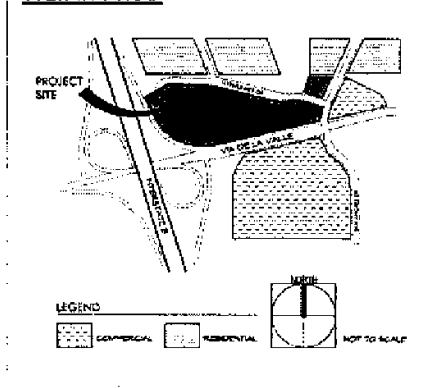
BULLET POINT NARRATIVE

- THE APPROXIMATELY 15-ACRE SITE INCLUDES COMMERCIAL/OFFICE USES. IT IS NOT LOCATED WITHIN A COMMUNITY PLANNING AREA. THE PROPOSED PROJECT CONSISTS OF DEMOLISHING AN EXISTING MOVIE THEATER (14,000 SF) TO CONSTRUCT AN ADDITIONAL 74,995 SF OF COMMERCIAL/OFFICE USES AND PARKING GARAGE. EXISTING STRUCTURES ON-SITE WERE BUILT IN THE EARLY 1970S. THE PROJECT ALSO INCLUDES IMPROVEMENTS TO THE MAIN ENTRANCE AT VIA DE LA VALLE.
- THE PROJECT WILL REQUIRE APPROVAL OF A COASTAL DEVELOPMENT PERMIT.
- IN ADDITION, THE PROJECT WILL ALSO REQUIRE A GRADING PERMIT, PUBLIC IMPROVEMENT PERMIT, AND BUILDING PERMITS.
- THERE IS NO AMHA ON-SITE.
- THE PROJECT IS LOCATED WITHIN THE COASTAL OVERLAY ZONE.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.

PROJECT INFORMATION

PROJECT NAME	FLOWER HILL PROMENADE
PROJECT ADDRESS	2720 VIA DE LA VALLE DEL MAR, CALIFORNIA 92014
DEVELOPMENT SUMMARY	ZONING: CC-1-3 COMMERCIAL COMMUNITY GROSS/NET SITE AREA: 16.14 ACRES (697,526 S.F.) GROSS FLOOR AREA: 255,850 SF OCCUPANCY CLASSIFICATIONS: CLASS M, CLASS B, AND CLASS S PER 2007 CBC
TYPE OF CONSTRUCTION	TYPE V - FIRE RESISTIVE CONSTRUCTION WITH 1-HR STRUCTURAL FRAME WITH FIRE SPRINKLERS TYPE I - PARKING
ASSESSORS PARCEL NUMBER	795-490-43, 795-490-44
LEGAL DESCRIPTION	PARCEL 1 AND 2 OF PARCELS MAP NO. 20470 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA. FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 17TH, 2008. TOGETHER WITH, AN EXCLUSIVE EASEMENT FOR VEHICULAR PARKING AND ACCESS PURPOSES AS CONVEYED BY THE DEED OF EASEMENT AND AGREEMENT RECORDED DECEMBER 17, 1984 AS FILE NO. 1984-469337 OF OFFICIAL RECORDS, OVER, UPON AND ACROSS THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.
EXISTING AND PROPOSED USES	EXISTING: 112,116 SF OF COMMERCIAL/OFFICE AND A MOVIE THEATER. PROPOSED: 173,111 SF OF COMMERCIAL/OFFICE, A MARKET, AND A PARKING GARAGE
BUILDING SUMMARY - TOTAL GROSS FLOOR AREA	EXISTING BUILDING AREA: 112,116 SF EXISTING BUILDING AREA TO REMAIN W/O THEATER: 98,116 SF PROPOSED BUILDING AREA: 74,995 MARKET: 35,000 SF RETAIL: 8,754 SF OFFICE: 28,941 SF STORAGE: 2,300 SF TOTAL PROPOSED BUILDING AREA: 173,111 SF
GROSS FLOOR AREA - FLOOR AREA RATIO	PROPOSED BUILDING AREA: 173,111 SF PARKING GARAGE AREA: 82,739 SF (portion of garage above-grade, per Sec. 173.0234(a)(2)) TOTAL GROSS FLOOR AREA = 255,850 SF FLOOR AREA RATIO (FAR) = 0.39 (MAXIMUM ALLOWANCE = 0.35) PTS NO. 172026

VICINITY MAP



PROJECT TEAM

OWNER/DEVELOPER	PROTEA FLOWER HILL MALL, LLC 3528 HOLIDAY COURT, SUITE 100 LA JOLLA, CALIFORNIA 92037 TEL: 858-457-5593 FAX: 858-457-5489
CIVIL ENGINEER	PROJECT DESIGN CONSULTANTS 701 B STREET, SUITE 400 SAN DIEGO, CALIFORNIA 92101 TEL: 619-235-6471
LANDSCAPE ARCHITECT	THE COLLABORATIVE WEST 100 AVENIDA MIRAMAR SAN CLEMENTE, CALIFORNIA 92672 TEL: 949-366-6024
ARCHITECT	SGPA ARCHITECTURE AND PLANNING 1545 HOTEL CIRCLE SOUTH, STUDIO 200 SAN DIEGO, CALIFORNIA 92108 TEL: 619-297-0131 FAX: 619-294-9334

SHEET INDEX

A001-1	TITLE SHEET
CIVIL	
C1	CIVIL SITE PLAN / GRADING PLAN
C2	SITE CROSS SECTIONS
C3	PARKING EXHIBIT
C4	MAPPING PLAN
ARCHITECTURAL	
A101-1	OVERALL SITE PLAN - AS-BUILT DRIVEWAY
A102	ACCESSIBILITY PLAN
A103	FIRE DEPARTMENT ACCESS PLAN
A104	FIRST LEVEL GARAGE/FIRST LEVEL MARKET & RETAIL
A201	FLOOR PLAN - LEVEL 1 - A & B
A202	FLOOR PLAN - LEVEL 2A & 2B
A203	ROOF PLAN - A & B
A204	PARKING STRUCTURE - LEVELS 1 AND 2
A205	PARKING STRUCTURE - LEVELS 3 AND 4
A301	ELEVATIONS
A302	ELEVATIONS
A401	SECTIONS
A402	ENLARGED SECTIONS
LANDSCAPE	
L101	LANDSCAPE PLAN
L102	LANDSCAPE CALCULATION DIAGRAM
L103	LANDSCAPE SECTIONS

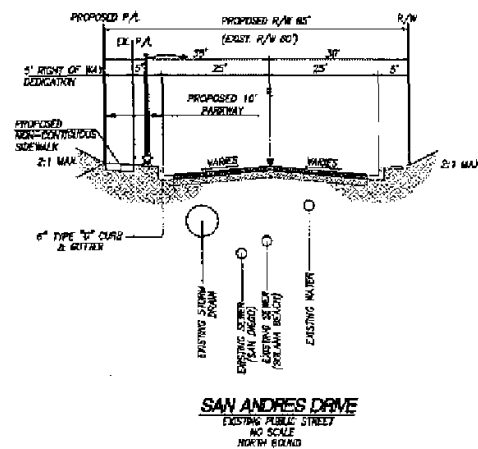
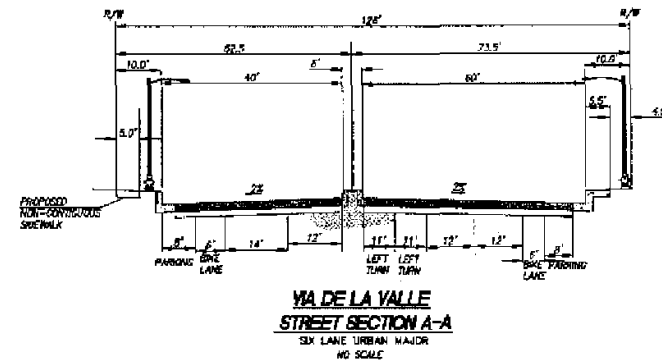
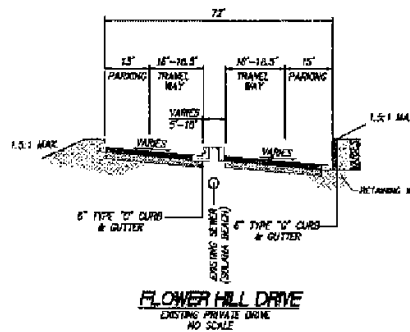
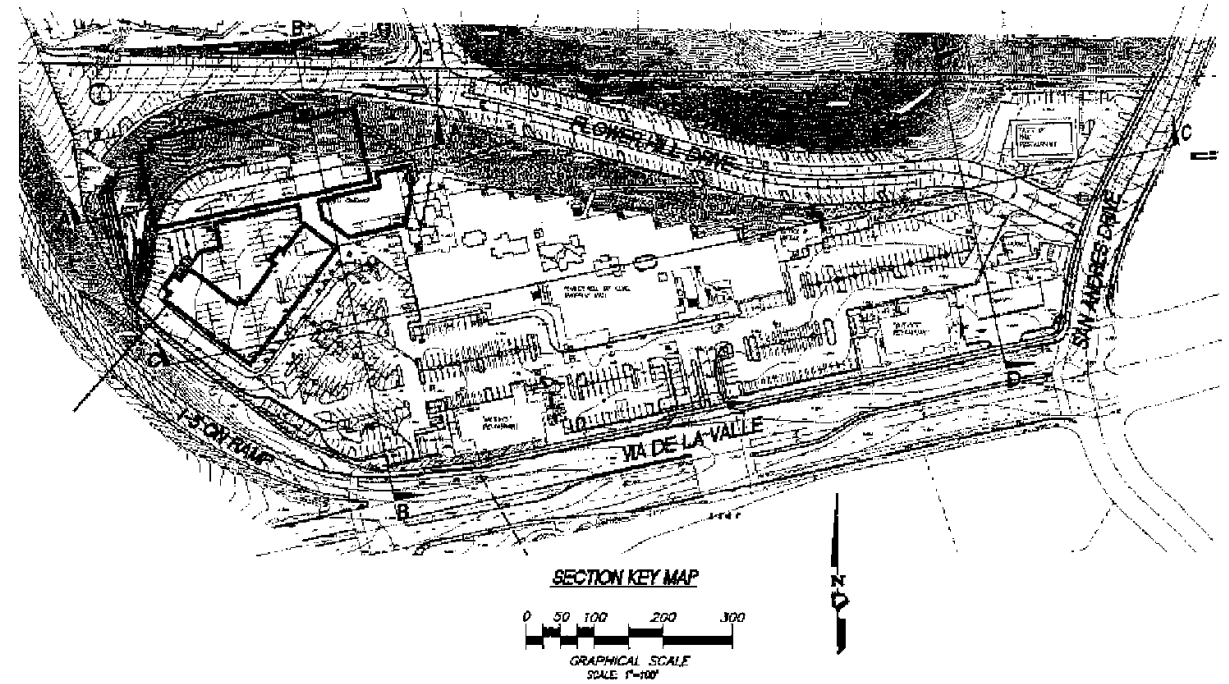
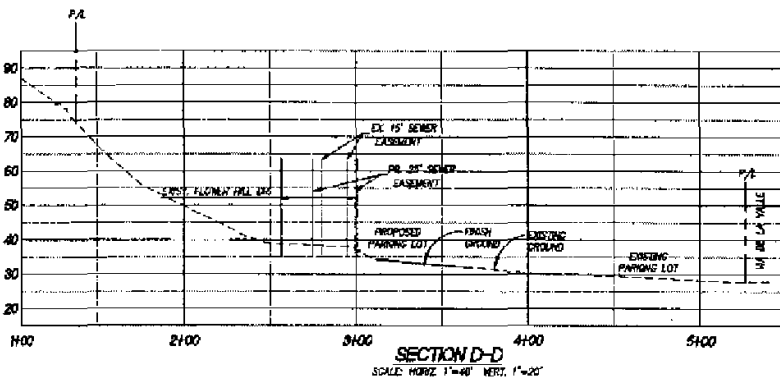
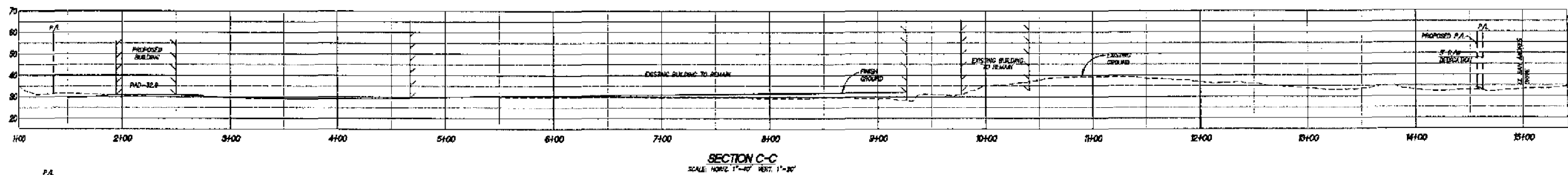
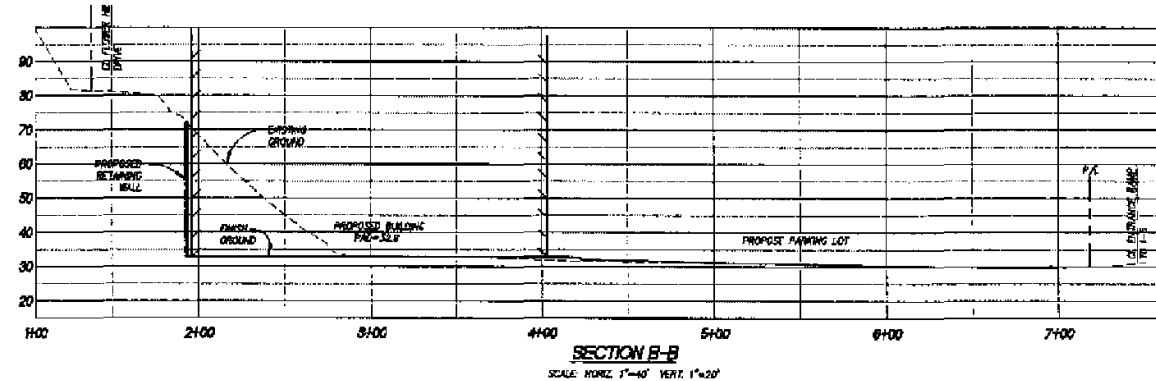
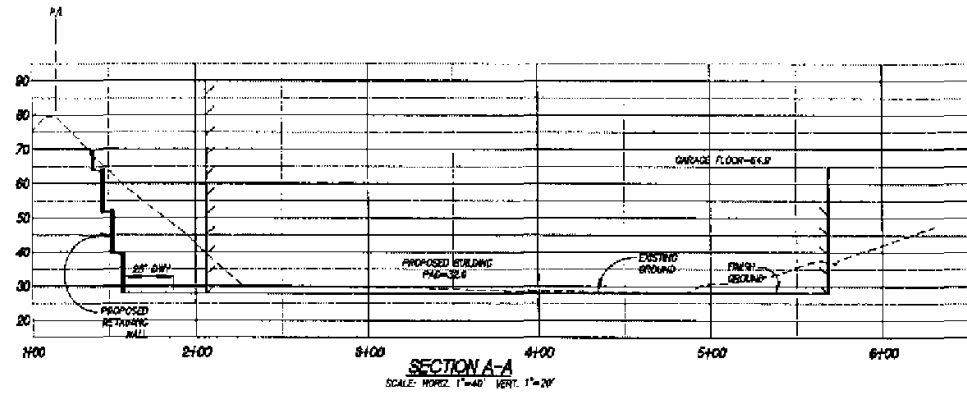
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FINAL SUBMITTAL	REVISION 1: 01/28/09	REVISION 5: 07/27/10
	REVISION 2: 05/28/09	REVISION 6: 09/22/10
	REVISION 3: 09/28/09	REVISION 7: 11/18/10

TITLE SHEET

SCALE: 1" = 1'

PROJECT: A001-1

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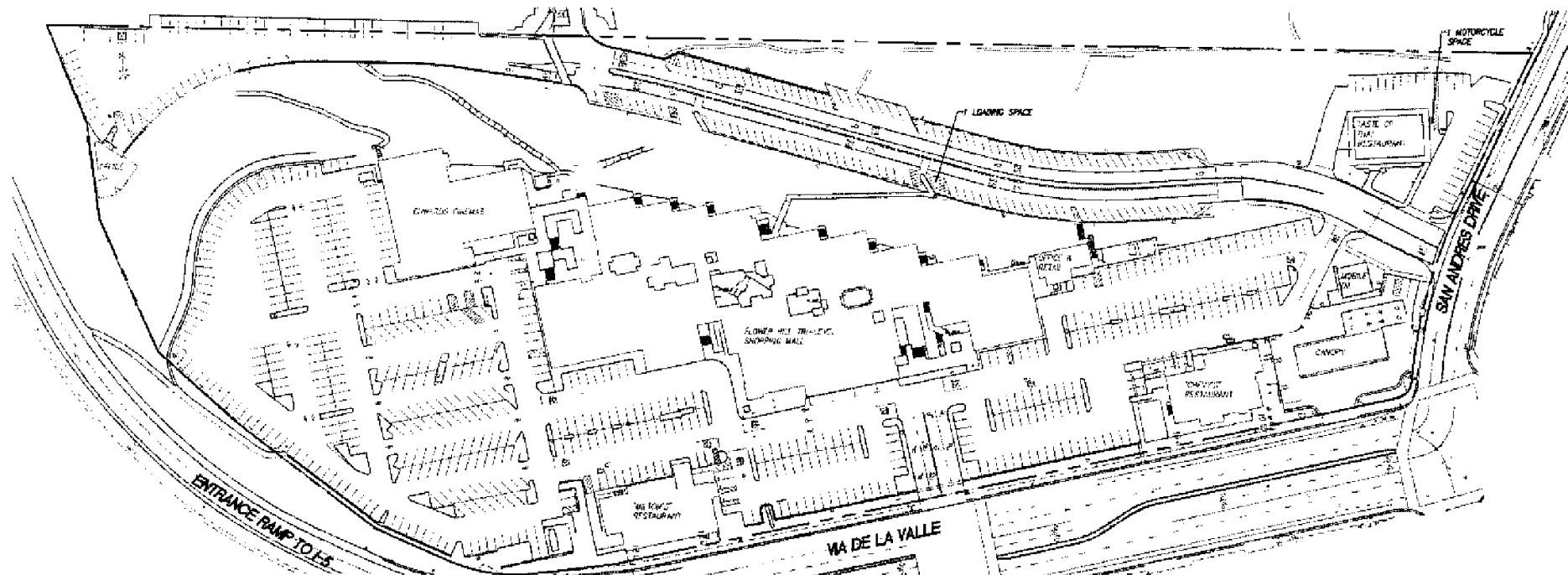
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SITE CROSS SECTIONS

SCALE: As Indicated

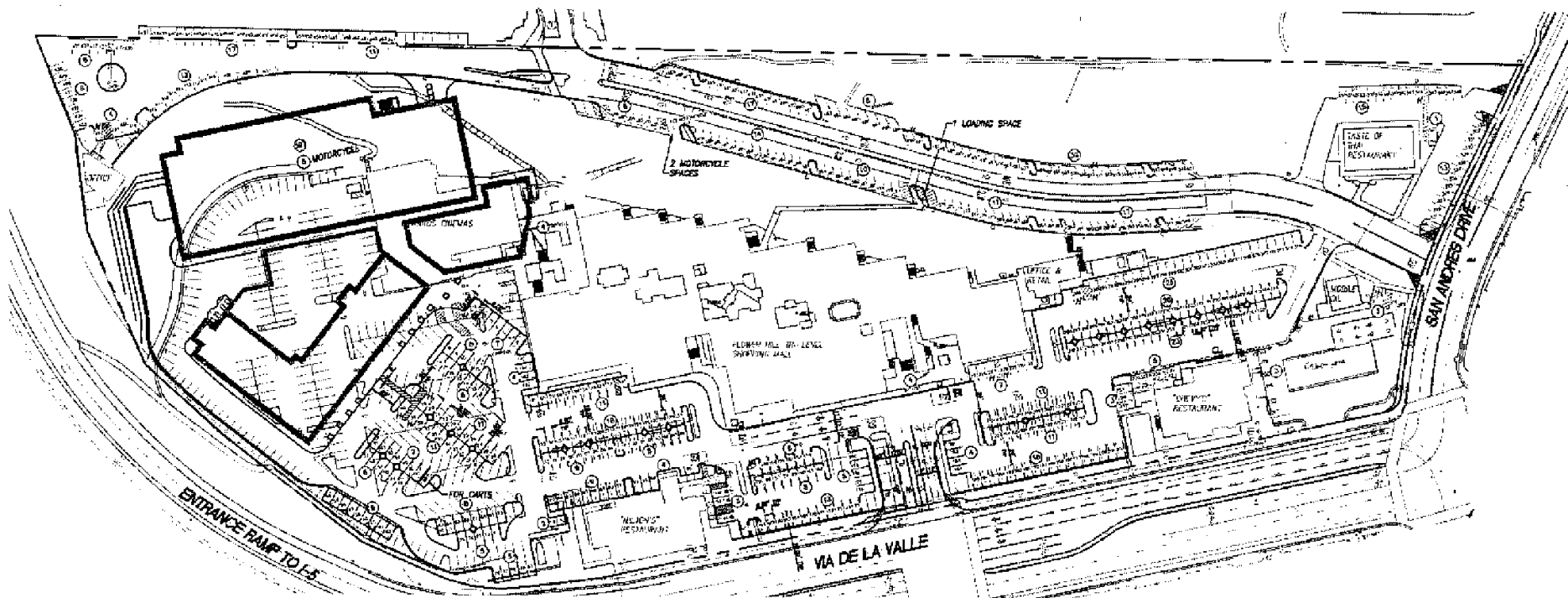
SHEET C-2

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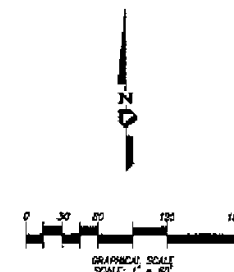
**EXISTING
PARKING SPACE COUNT**

TOTAL PROJECT PARKING	HANDICAP PARKING (INCLUDED IN TOTAL)	MOTORCYCLE PARKING (SEPARATE FROM TOTAL)	LOADING SPACE (SEPARATE FROM TOTAL)
782	21	4	1



**PROPOSED
PARKING SPACE COUNT**

TOTAL SURFACE PARKING	TOTAL GARAGE PARKING	TOTAL PROJECT PARKING
823	307	910
HANDICAP PARKING (INCLUDED IN TOTAL)	MOTORCYCLE PARKING (SEPARATE FROM TOTAL)	
25	10	



LEGEND

- (X) NUMBER OF SPACES IN BAY PARKING
- (H) HANDICAP PARKING STALL



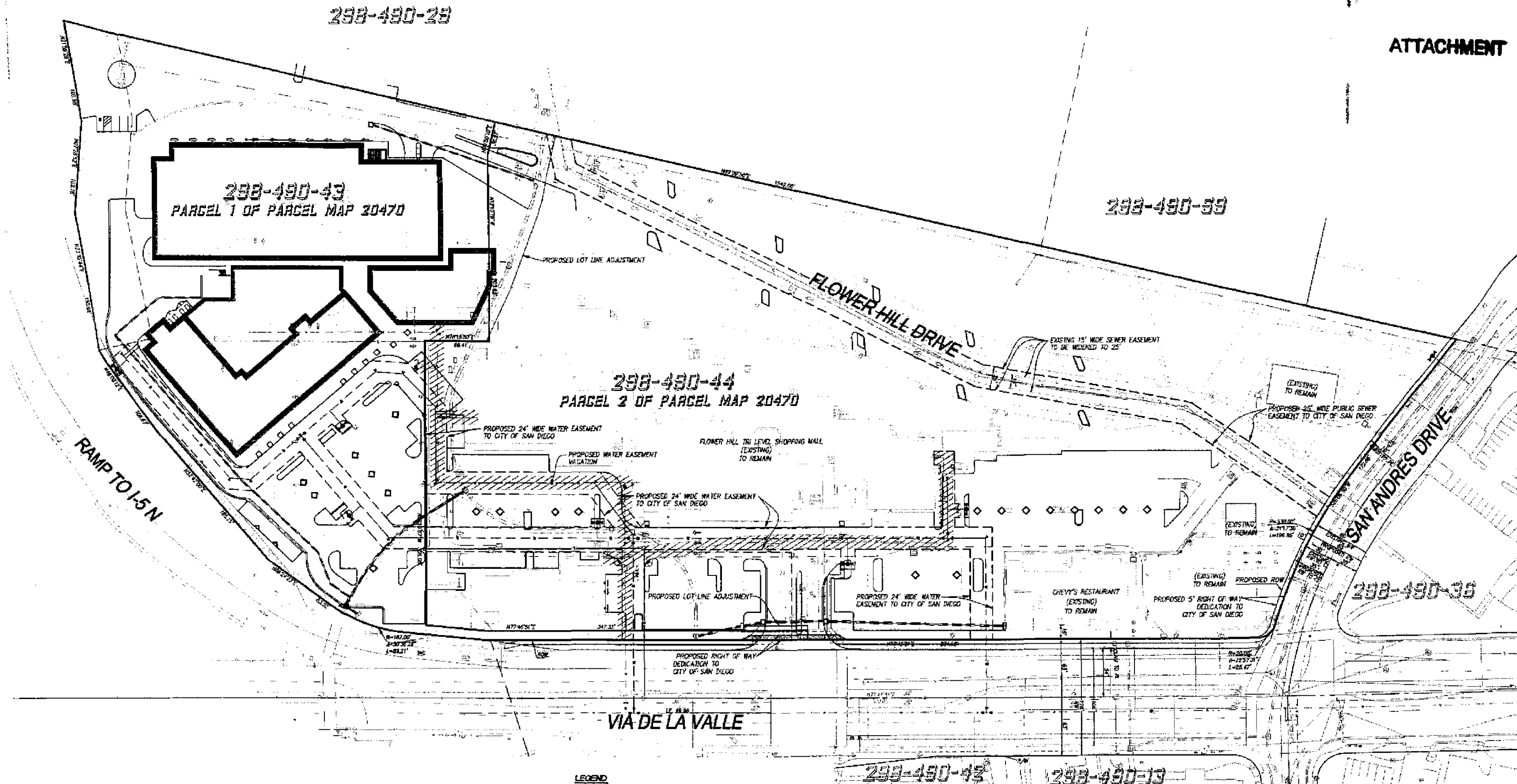
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FULL SUBMITTAL	REVISION 1: 01/28/09	REVISION 5: 07/28/10
	REVISION 2: 03/20/09	REVISION 6: 08/22/10
	REVISION 3: 06/26/10	REVISION 7: 11/19/10

PARKING EXHIBIT

SCALE: As Indicated

SHEET C-3

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LEGEND

PROPOSED SEWER MAIN/ MANHOLE

PROPOSED STORM DRAIN & CLEANOUT OR INLET

PROPOSED WELDER MAIN

PROPOSED FIRE HYDRANT

PROPOSED CURB

PROPOSED CURBS GUTTER G.L.

EXISTING DRAINAGE CASEWAY

EXISTING STORM DRAIN & CLEANOUT OR INLET

EXISTING SEWER MAIN

EXISTING WATER MAIN

EXISTING FIRE HYDRANT

SLOPE GRADE

EXISTING STREET LIGHT

PROPOSED STREET CLEANOUT

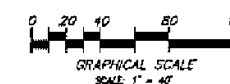
LOT LINE

BOUNDARY LINE

EXISTING EASEMENTS

PROPOSED EASEMENT VACATION (LINE)

PROPOSED RIGHT OF WAY DEDICATION

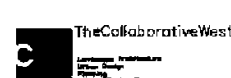


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	REVISION 2: 05/20/09	REVISION 6: 09/22/10
	REVISION 3: 06/23/10	REVISION 7: 11/16/10

MAPPING PLAN

SCALE: As indicated

अध्या C-4

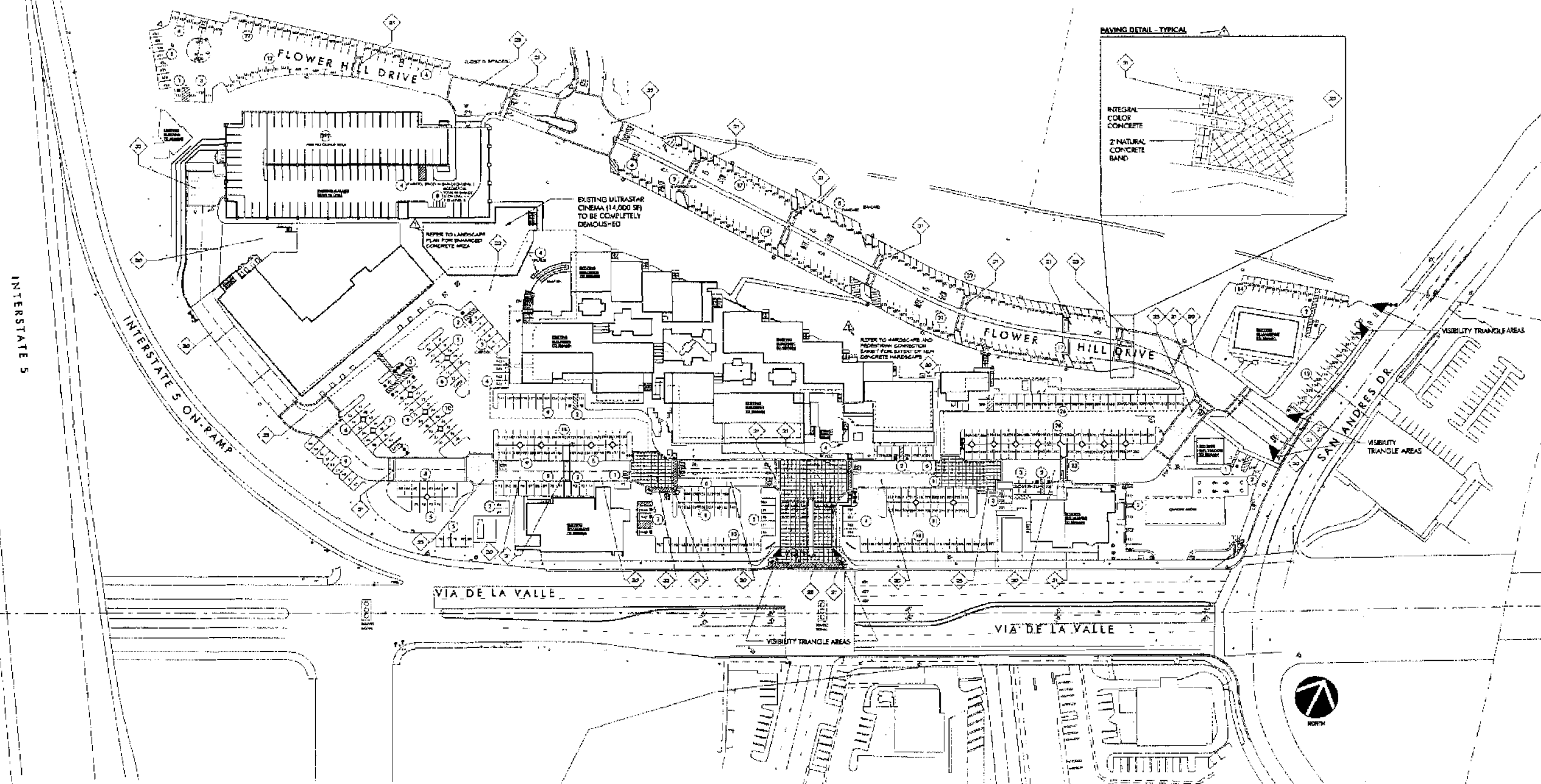


PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Surveying
701 B Street, Suite 600 San Diego, CA 92101
Architectural Division Tel: 619.734.0549 Fax: 619.734.0548

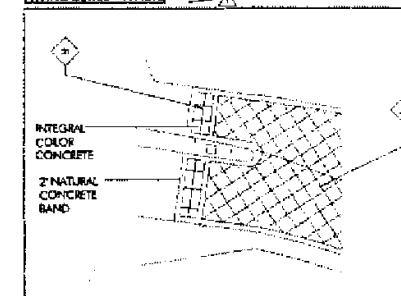
PROTEA PROPERTIES

PROJECT RESUME

EXISTING BUILDING AREA:	112,116 SF
EXISTING BUILDING AREA TO REMAIN (W/O THEATER):	98,116 SF
PROPOSED BUILDING AREA:	74,995 SF
MARKET:	35,000 SF
RETAIL:	8,754 SF
OFFICE:	28,941 SF
STORAGE:	2,300 SF
TOTAL PROPOSED BUILDING AREA:	173,111 SF



PAVING DETAIL - TYPICAL



PAVING MATERIAL LEGEND

- ◊ NATURAL CONCRETE - MEDIUM BRUSH FINISH
- ◊ INTEGRAL COLOR CONCRETE WITH 2" WIDE NATURAL CONCRETE BAND - MEDIUM BRUSH FINISH
- ◊ INTEGRAL COLOR CONCRETE - EXPOSED AGGREGATE FINISH
- ◊ CONCRETE INTERLOCKING PAVERS WITH 2" WIDE NATURAL CONCRETE BAND - MEDIUM BRUSH FINISH

② PARKING SPACES PER AREA

COMPLETENESS REVIEW	ORIGINAL DATE: 12/24/02	REVISION 4:	03/04/10
FULL SUBMITTAL	REVISION 1: 01/28/09	REVISION 5:	07/29/10
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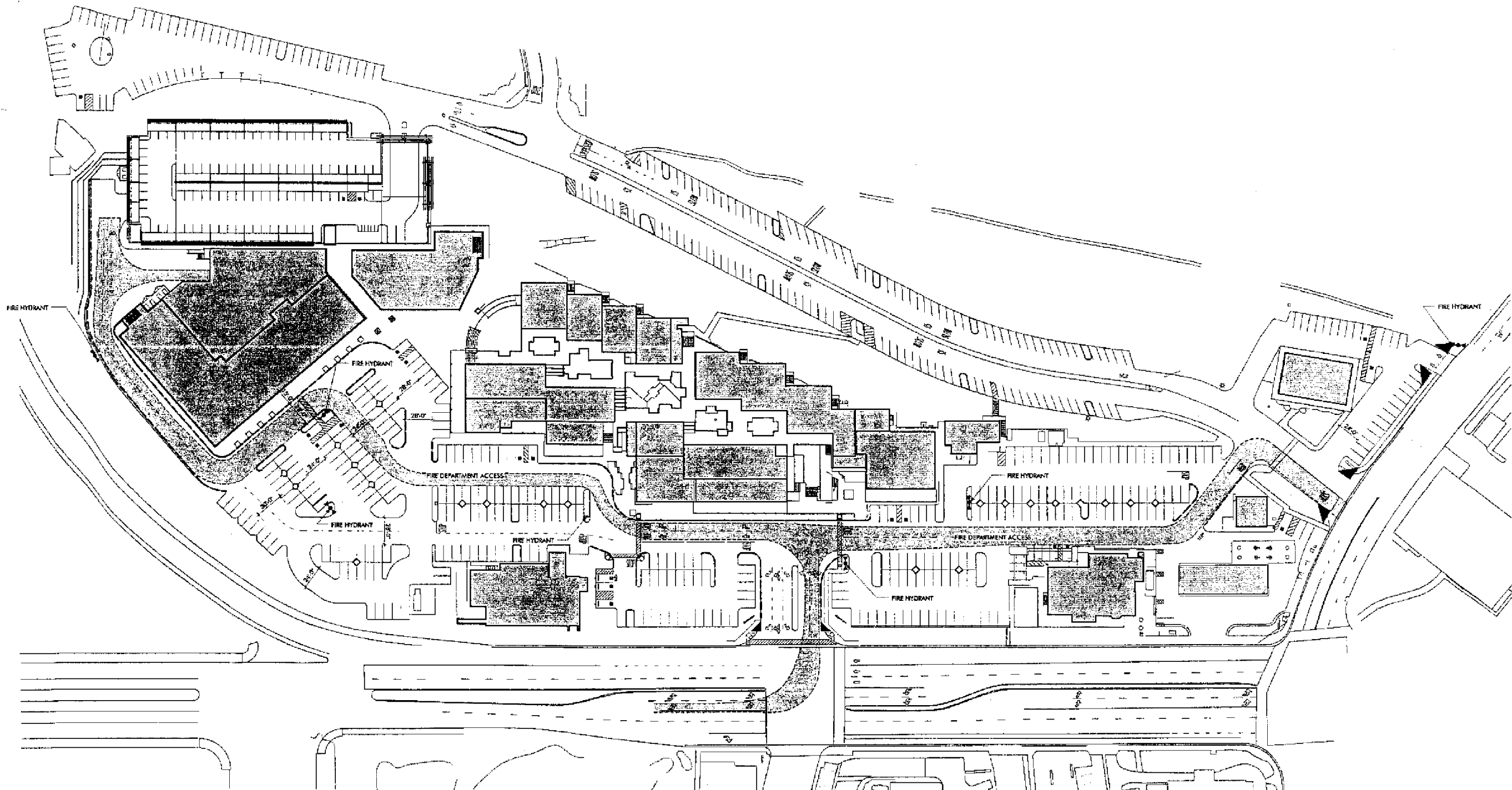
OVERALL SITE PLAN - AS-BUILT DRIVEWAY

SCALE: 1" = 50'-0"

SHEET A101-1

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NOTES:

- BUILDING ADDRESS NUMBERS WILL BE PROVIDED.
- NEW CONSTRUCTION WILL BE FIRE SPRINKLED
- POST INDICATOR VALVES, FIRE DEPARTMENT CONNECTIONS, AND ALARM BELLS ARE TO BE LOCATED ON THE ADDRESS/ACCESS SIDE OF THE BUILDING.
- LADDER HEIGHT TO ACCESS ROOF IS LESS THAN 35 FEET. HEIGHT TO BOTTOM EDGE OF SLOPED ROOF IS APPROXIMATELY 32 FEET. SEE SHEET A201

COMPLETENESS REVIEW	ORIGINAL DATE: 12/24/08	REVISION 4: 03/04/10
FULL SUBMITTAL	REVISION 1: 01/29/09	REVISION 5: 01/29/10
	REVISION 2: 05/28/09	REVISION 6: 05/27/10
	REVISION 3: 05/28/09	REVISION 7: 11/14/10

FIRE DEPARTMENT ACCESS PLAN

SCALE: 1" = 40'-0"

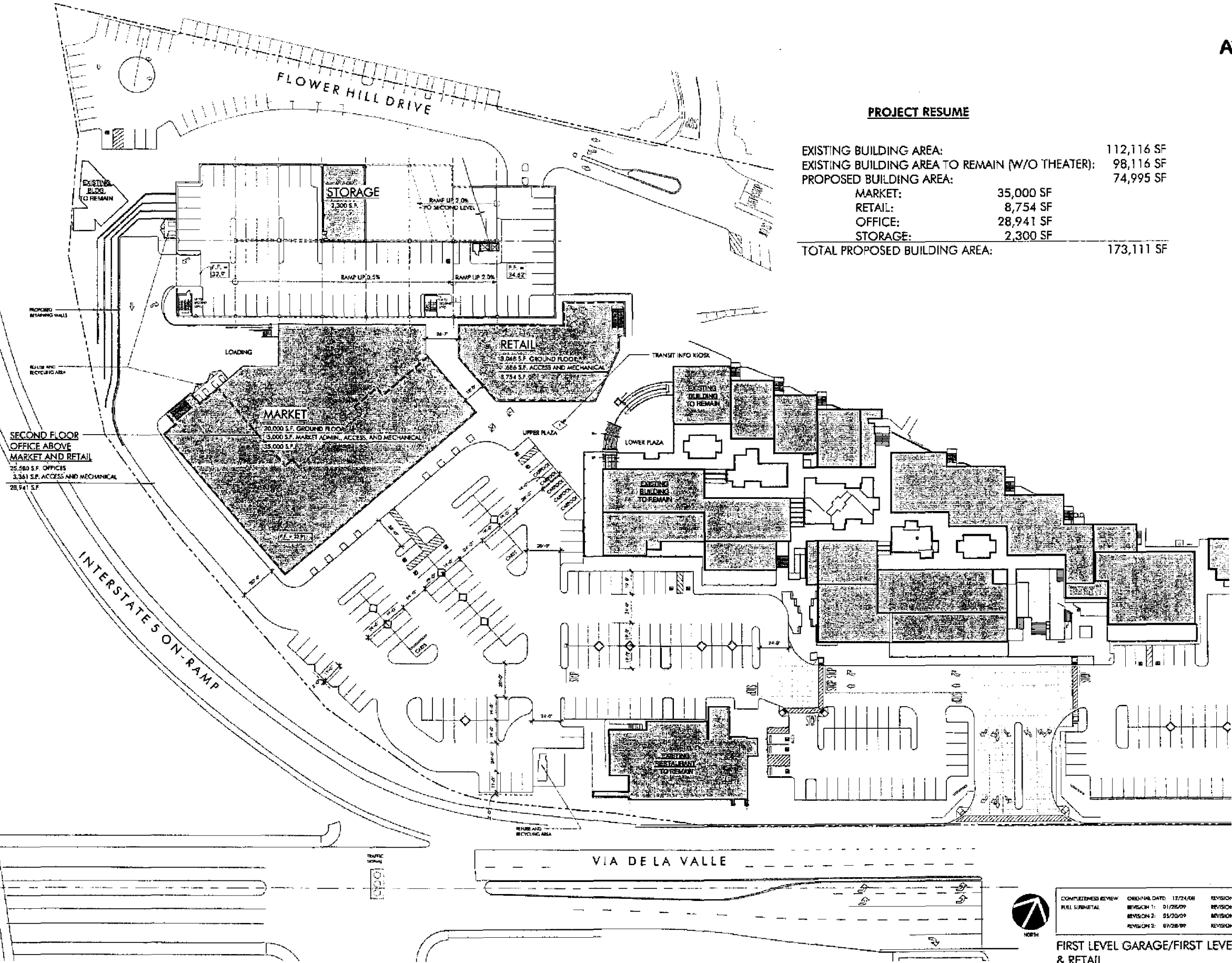
SHEET A103

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PROJECT RESUME

EXISTING BUILDING AREA:	112,116 SF
EXISTING BUILDING AREA TO REMAIN (W/O THEATER):	98,116 SF
PROPOSED BUILDING AREA:	74,995 SF
MARKET:	35,000 SF
RETAIL:	8,754 SF
OFFICE:	28,941 SF
STORAGE:	2,300 SF
TOTAL PROPOSED BUILDING AREA:	173,111 SF

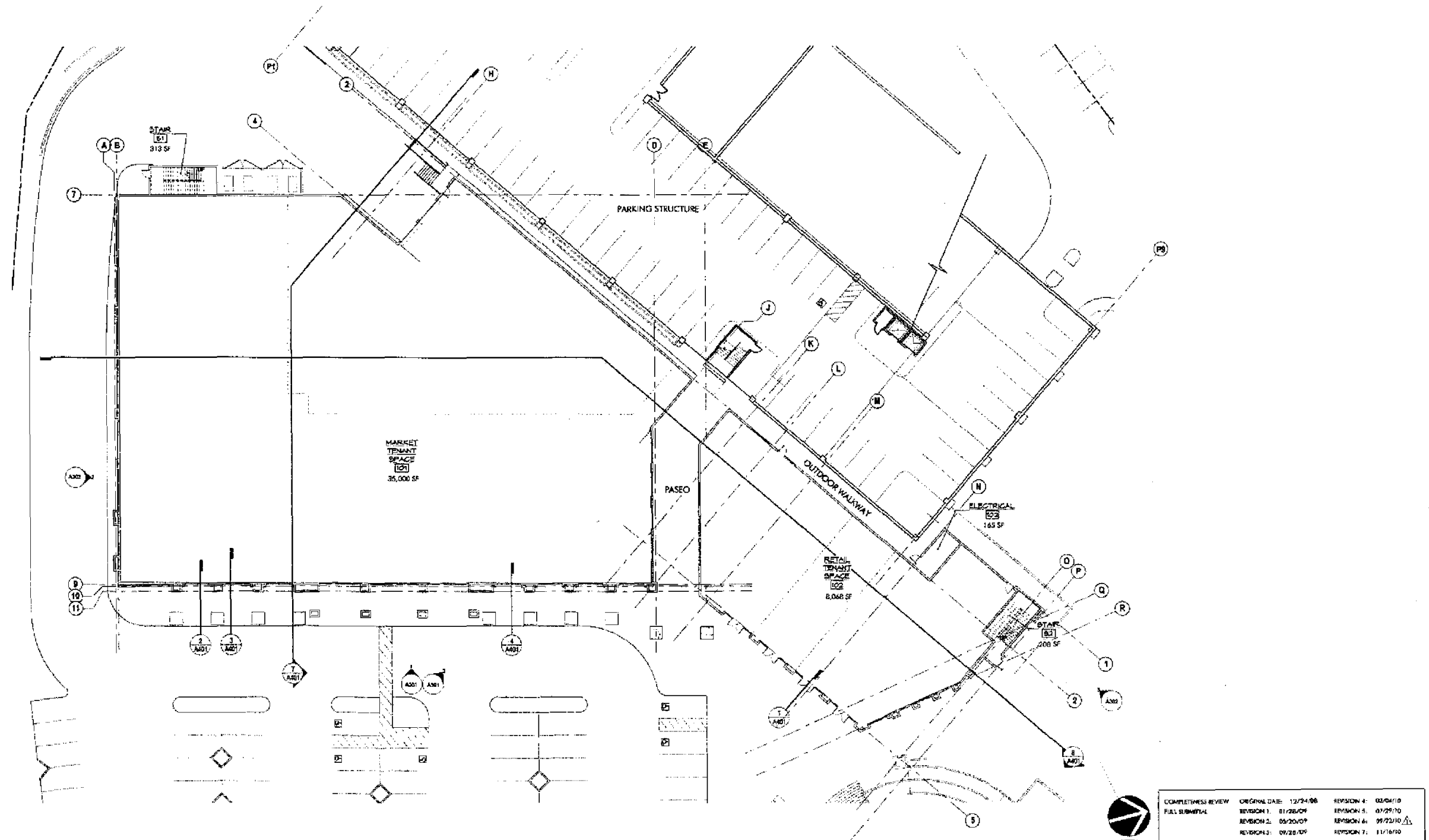
INTERSTATE 5



COMPLETENESS REVIEW	ORIGINAL DATE: 12/24/08	REVISION 1: 03/04/10
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	REVISION 2: 01/20/09	REVISION 3: 09/22/10
	REVISION 3: 07/28/09	REVISION 4: 11/16/10

FIRST LEVEL GARAGE/FIRST LEVEL MARKET & RETAIL

SCALE: 1" = 30'-0" SHEET A104 9 OF 21

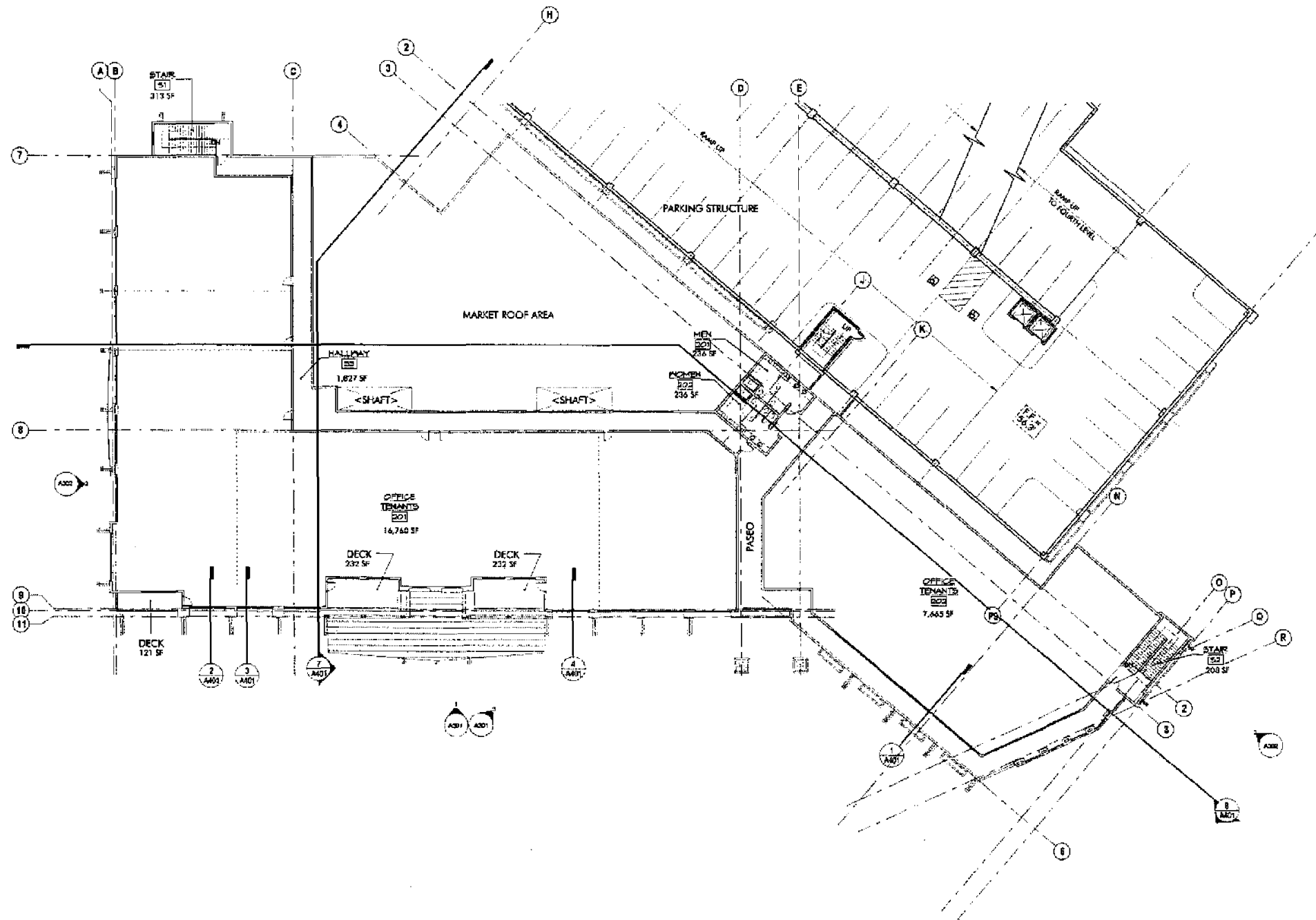


FLOOR PLAN - LEVEL 1 - A & B

SCALE: 1/16" = 1'-0"

SHEET A201

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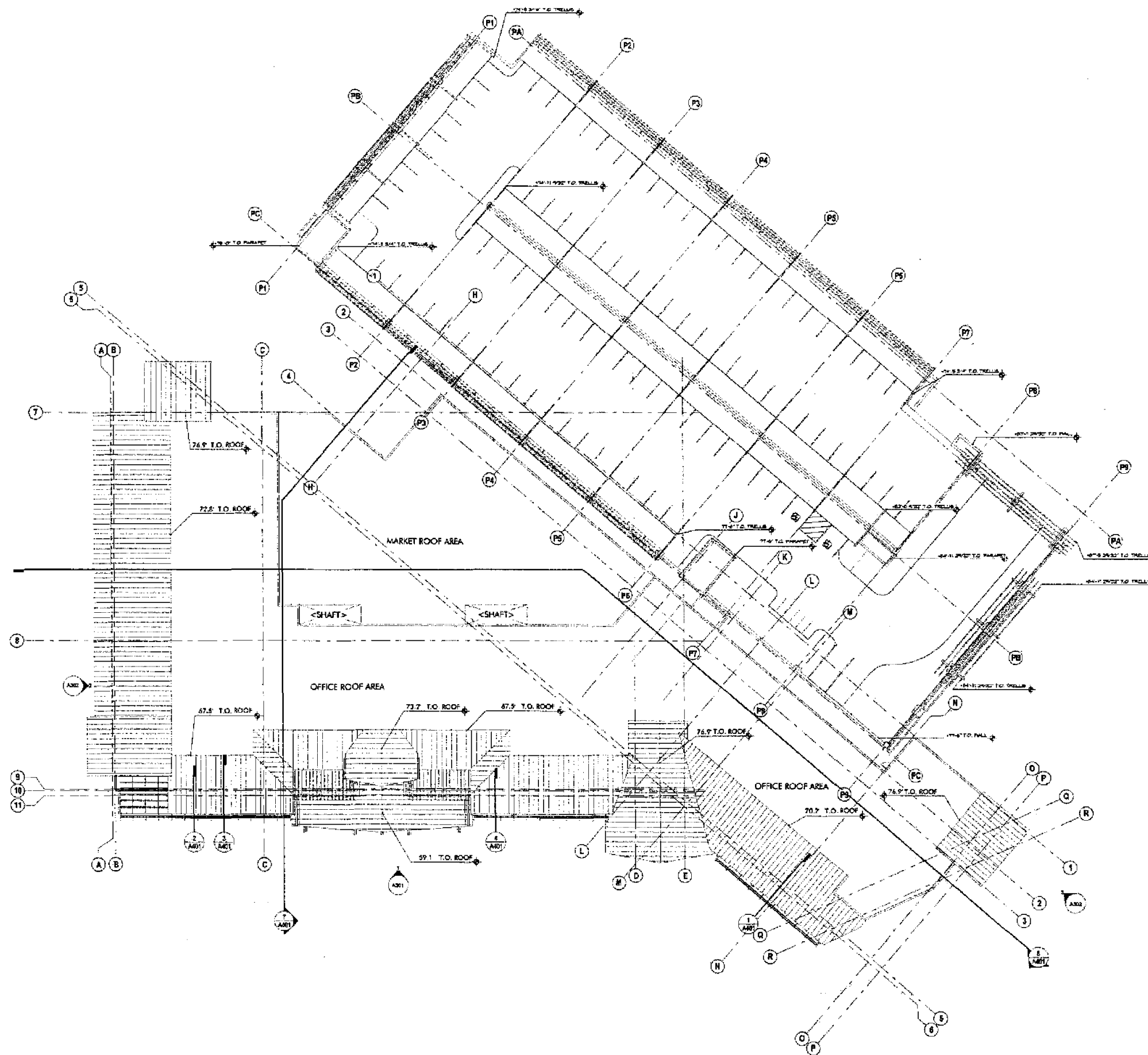
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	REVISION 2: 03/26/09	REVISION 6: 05/22/10	
	REVISION 3: 09/28/09	REVISION 7: 11/16/10	

FLOOR PLAN - LEVEL 2A & 2B

SCALE: 1/16" = 1'-0"

SHEET: A202

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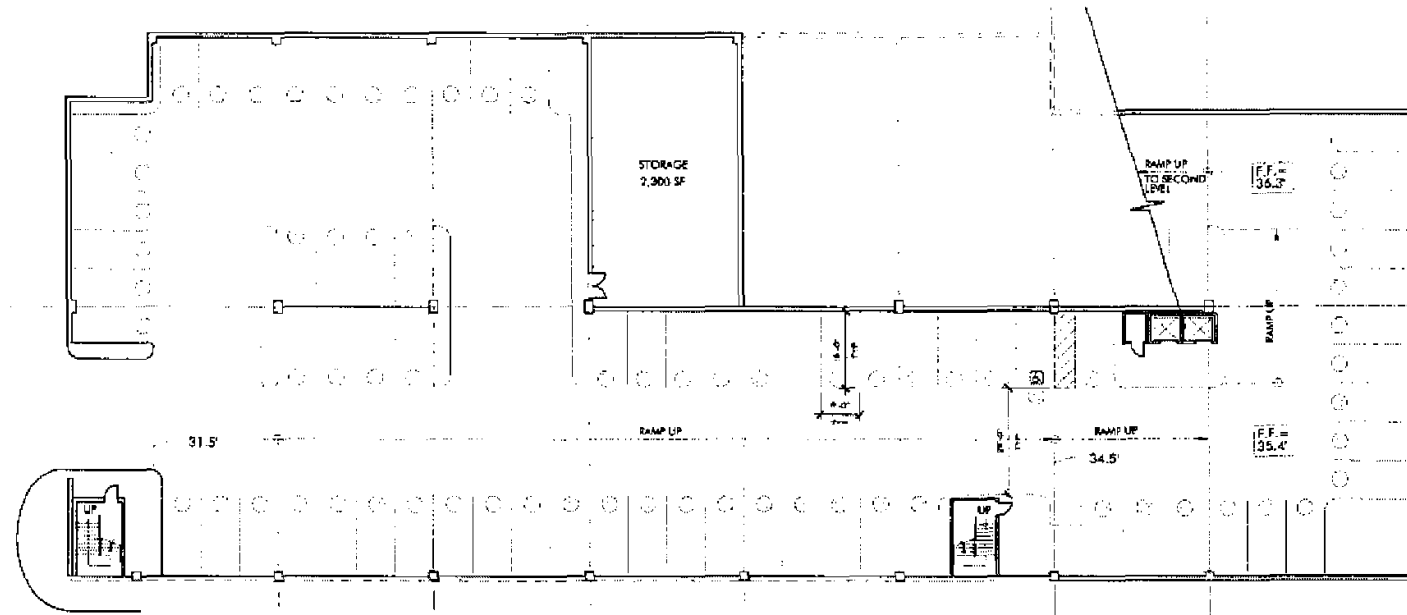
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	REVISION 3: 09/28/09	REVISION 7: 11/16/10

ROOF PLAN - A & B

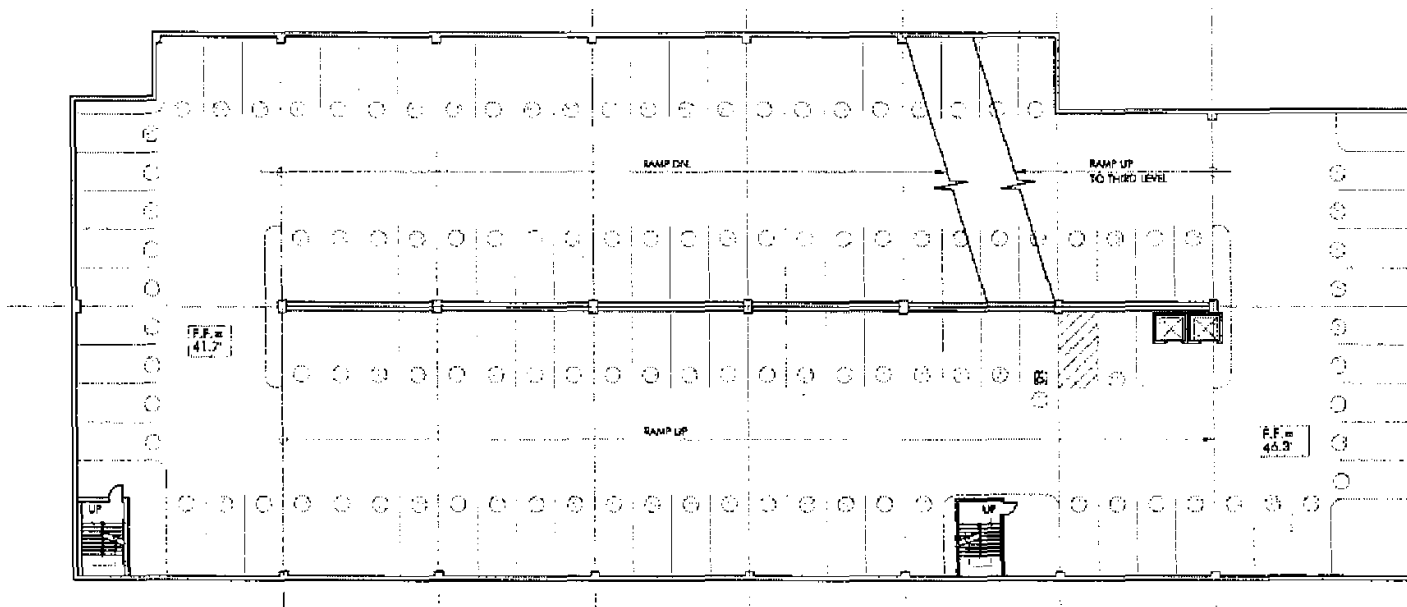
SCALE: 1/16" = 1'-0"

SHEET A203

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PARKING STRUCTURE - LEVEL 1 1/8" = 1'-0"



PARKING STRUCTURE - LEVEL 2 1/8" = 1'-0"

GARAGE LEGEND

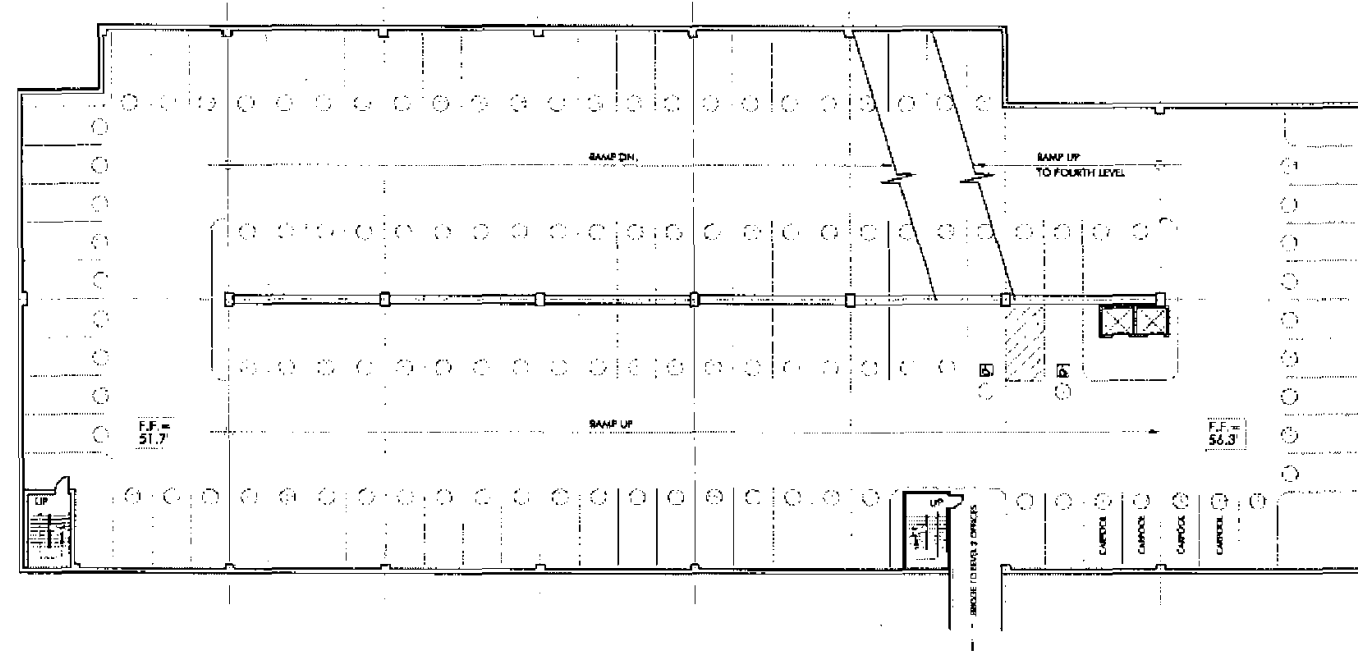
- MC MOTORCYCLE PARKING SPACE
- PARKING SPACE COUNT



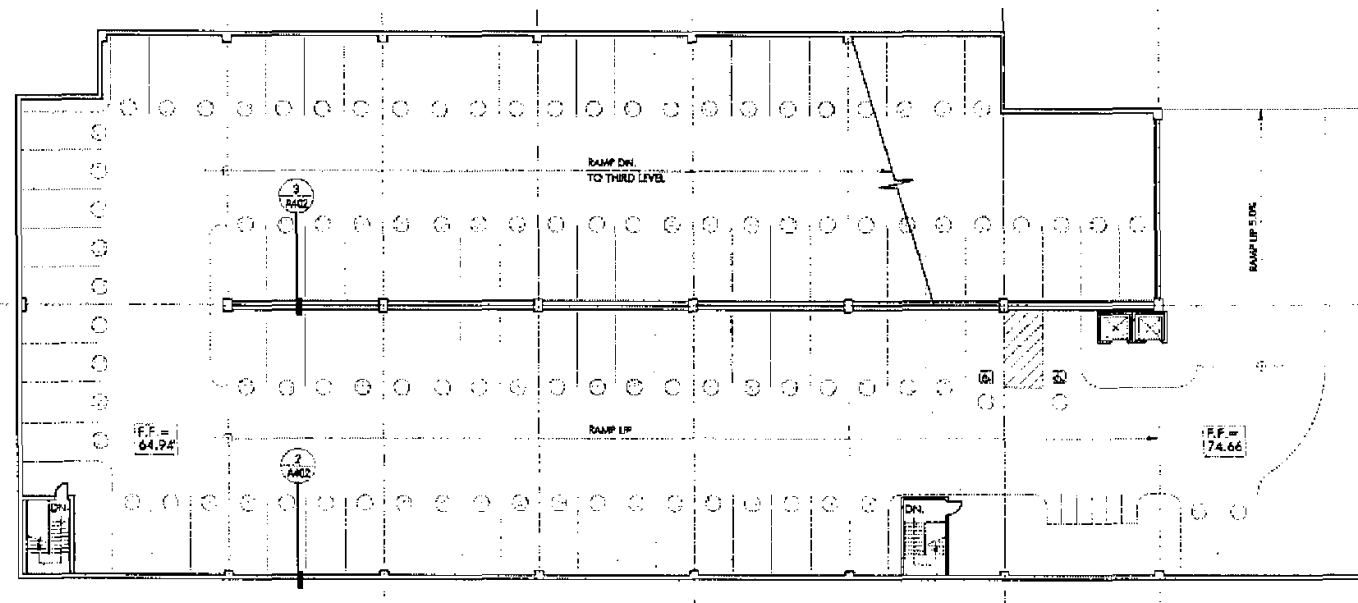
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	REVISION 2: 05/10/09	REVISION 6: 09/22/10
	REVISION 3: 09/28/09	REVISION 7: 11/16/10

PARKING STRUCTURE - LEVELS 1 AND 2

SCALE: As Indicated SHEET A204 13 of 21



PARKING STRUCTURE - LEVEL 3 1/8" = 1'-0"



PARKING STRUCTURE - LEVEL 4 1/8" = 1'-0"

GARAGE LEGEND

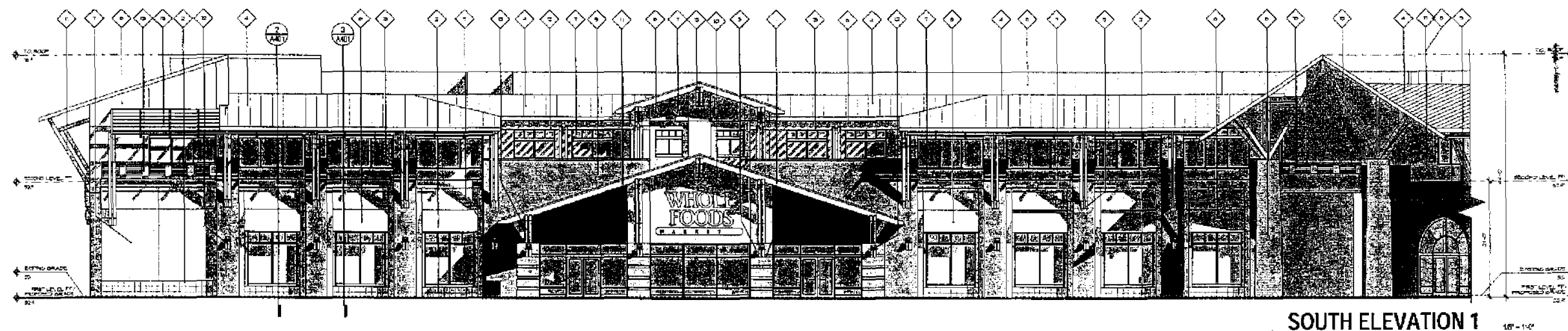
- MC MOTORCYCLE PARKING SPACE
- PARKING SPACE COUNT



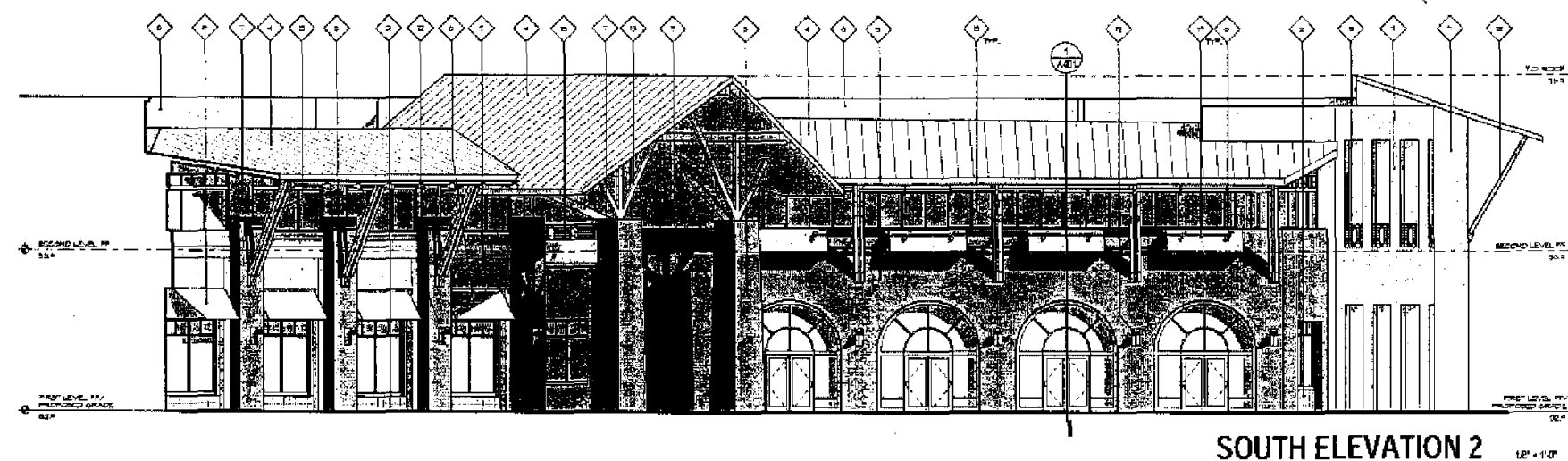
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	REVISION 2: 05/20/09	REVISION 6: 09/22/10
	REVISION 3: 05/28/09	REVISION 7: 11/18/10

PARKING STRUCTURE - LEVELS 3 AND 4

SCALE: As indicated SHEET A205 14 of 21



PLAN 1/8" = 1'-0"



PLAN 1/8" = 1'-0"

MATERIALS KEYNOTES

1	SLATE TILE - RUSTIC GOLD
2	SLATE TILE - GRAY
3	LIMESTONE TILE - GIALLO PALLANTI
4	CONCRETE TILE ROOFING
5	STONE VENEER - FRENCH COUNTRY VILLA - BORDEAUX
6	FABRIC AWNING - BLACK
7	EXTERIOR CEMENT PLASTER - INTERACTIVE CREAM
8	EXTERIOR CEMENT PLASTER - EMPIRE GOLD
9	EXTERIOR CEMENT PLASTER - PRIVILEGE GREEN
10	WOOD TRIM - RED CENT
11	WOOD TRIM - RED CENT
12	WOOD TRIM / BRACKET - RED CENT
13	WOOD TRIM / BRACKET - RED CENT
14	WOOD TRIM / BRACKET - RED CENT
15	WOOD TRIM / BRACKET - RED CENT
16	WOOD TRIM / BRACKET - RED CENT
17	WOOD TRIM / BRACKET - RED CENT
18	WOOD TRIM / BRACKET - RED CENT
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20	WOOD TRIM / BRACKET - RED CENT
21	WOOD TRIM / BRACKET - RED CENT

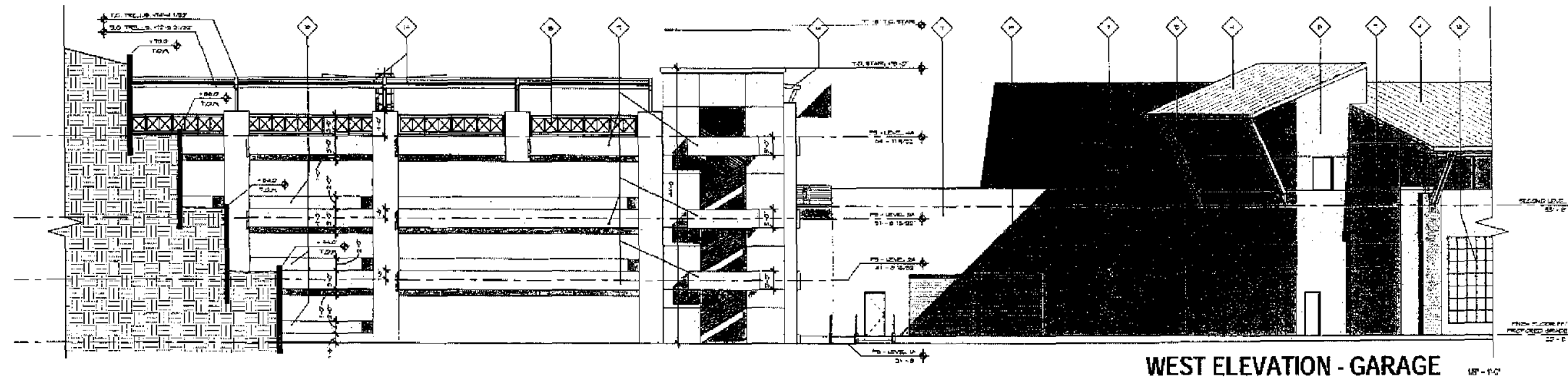
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ELEVATIONS

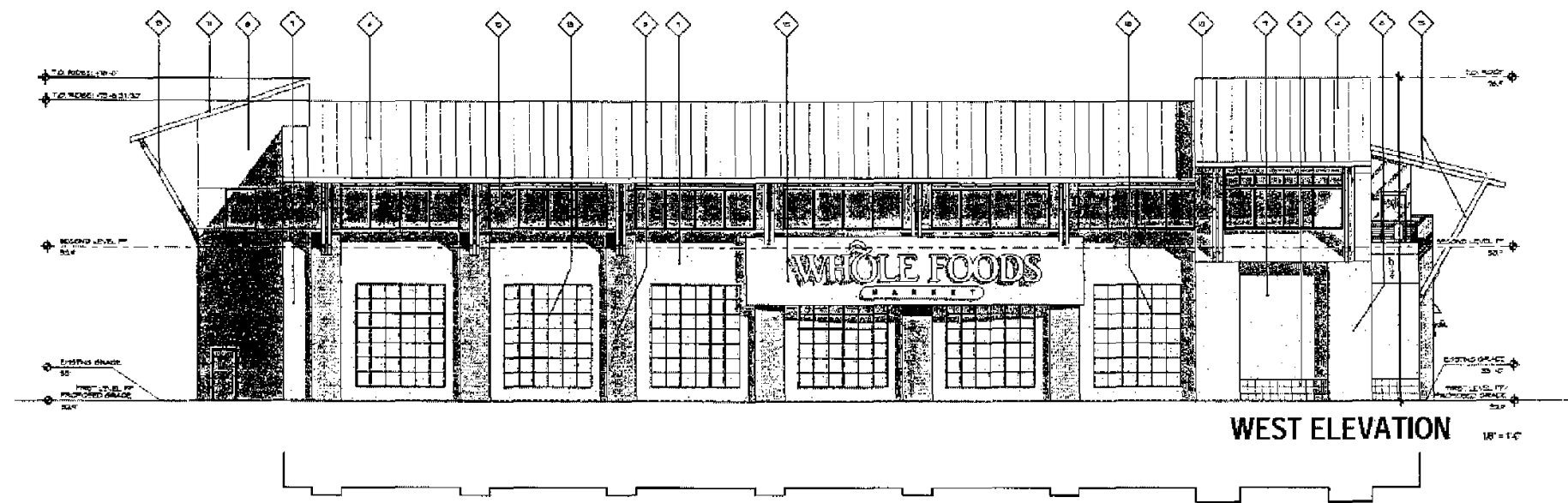
SCALE: 1/8" = 1'-0"

SHEET A301

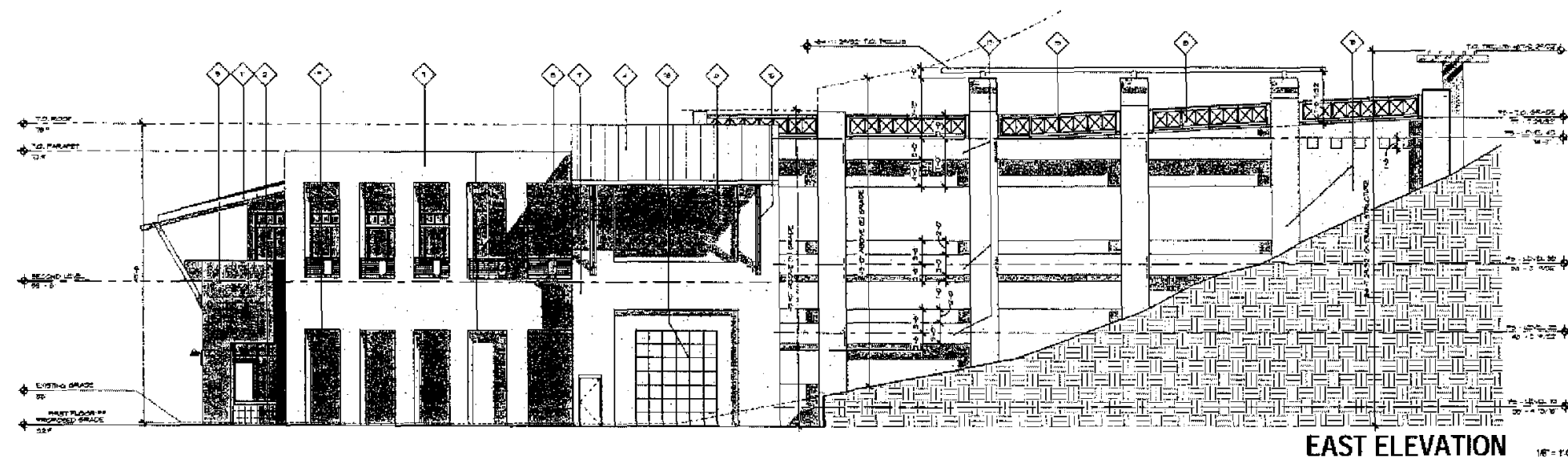
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WEST ELEVATION - GARAGE 1/8" = 1'-0"



WEST ELEVATION 1/8" = 1'-0"



EAST ELEVATION 1/8" = 1'-0"

MATERIALS KEYNOTES

1. SLATE TILE - BATH
2. CONCRETE TILE ROOFING
3. STONE VENEER - FRENCH COUNTRY VILLA - BORDEAUX
4. EXTERIOR CEMENT PLASTER - INTERACTIVE CREAM
5. EXTERIOR CEMENT PLASTER - EMPIRE GOLD
6. EXTERIOR CEMENT PLASTER - PRIVILEGE GREEN
7. WOOD TRIM - RED CENT
8. WOOD TRELLIS / BRACKET - RED CENT
9. METAL TRELLIS
10. METAL RAILING
11. CONCRETE PAVING STRUCTURE
12. PLANTER
13. GREEN SCREEN
14. LOADING DOCK DOOR

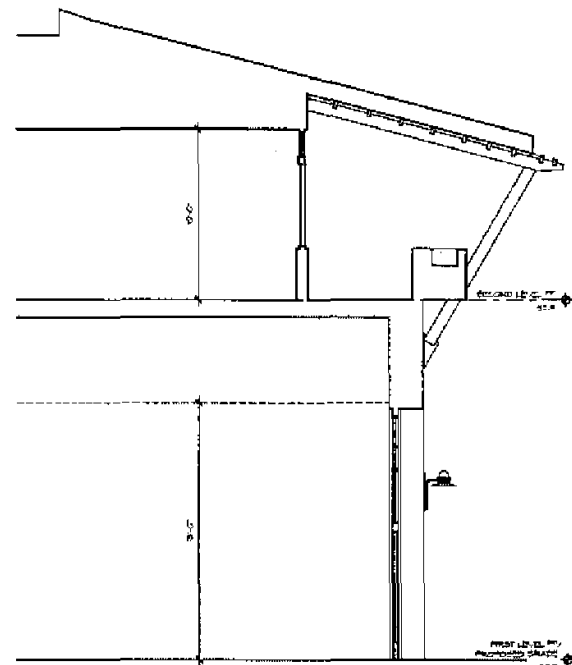
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	REVISION 3: 07/28/09	REVISION 7: 11/16/10

ELEVATIONS

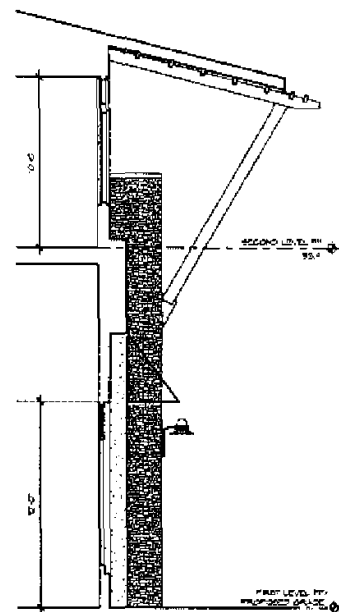
SCALE: 1/8" = 1'-0"

SHEET A302

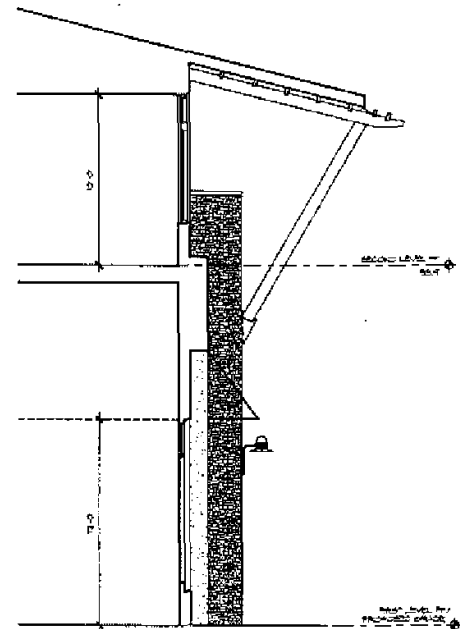
16 of 21



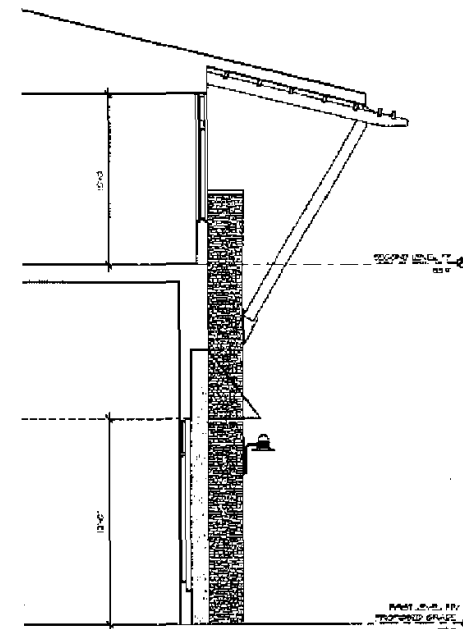
WALL SECTION 1 1/4" = 1'-0" ①



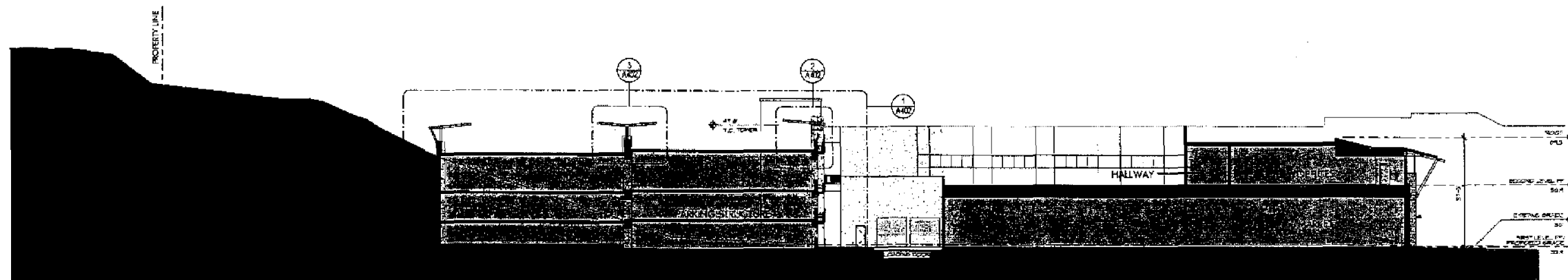
WALL SECTION 2 1/4" = 1'-0" ②



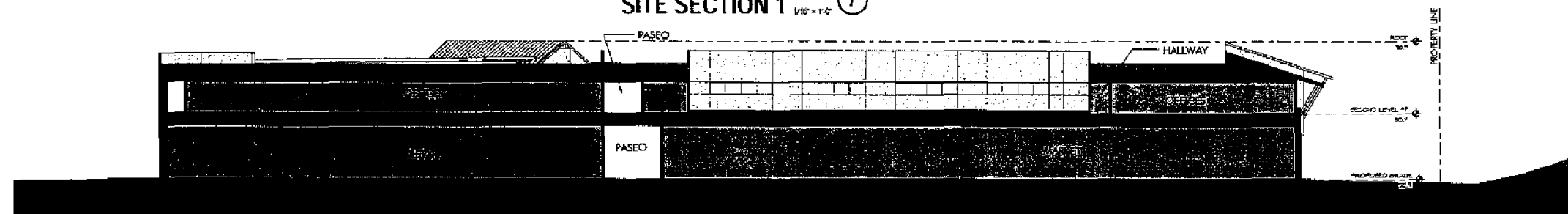
WALL SECTION 3 1/4" = 1'-0" ③



WALL SECTION 4 1/4" = 1'-0" ④



SITE SECTION 1 1/4" = 1'-0" ⑦



SITE SECTION 2 1/4" = 1'-0" ⑧

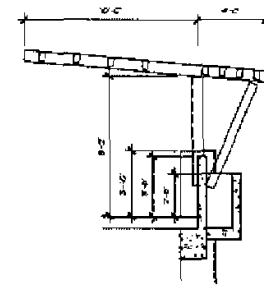
COMPLETENESS REVIEW	ORIGINAL DATE: 12/24/08	REVISION 4: 02/04/10
FULL SUBMITTAL	REVISION 1: 01/28/09	REVISION 5: 07/29/10
	REVISION 2: 05/30/09	REVISION 6: 09/22/10
	REVISION 3: 07/28/09	REVISION 7: 11/16/10

SECTIONS

SCALE: As Indicated

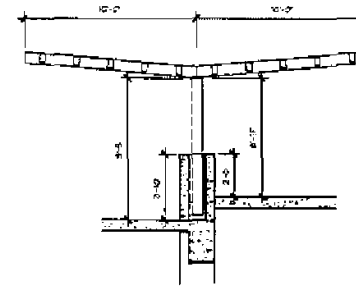
SHEET A401

17 of 21



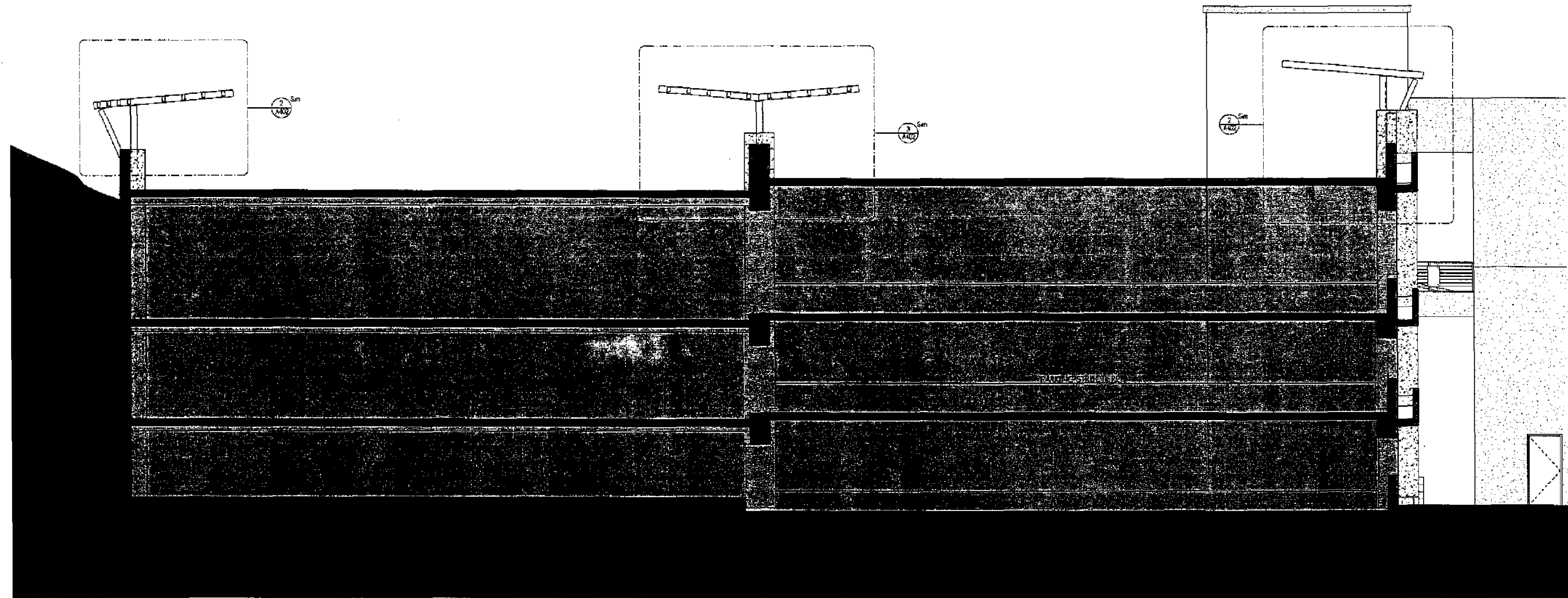
TRELLIS SECTION 1

SCALE: 1/4" = 1'-0" ②



TRELLIS SECTION 2

SCALE: 1/4" = 1'-0" ③



SITE SECTION

SCALE: 1/4" = 1'-0" ①

COMPLETENESS REVIEW	ORIGINAL DATE: 12/24/08	REVISION A: 03/04/10
FULL SUBMITTAL	REVISION 1: 01/26/09	REVISION 5: 07/29/10
	REVISION 2: 03/20/09	REVISION 6: 09/22/10
	REVISION 3: 07/28/09	REVISION 7: 11/15/10

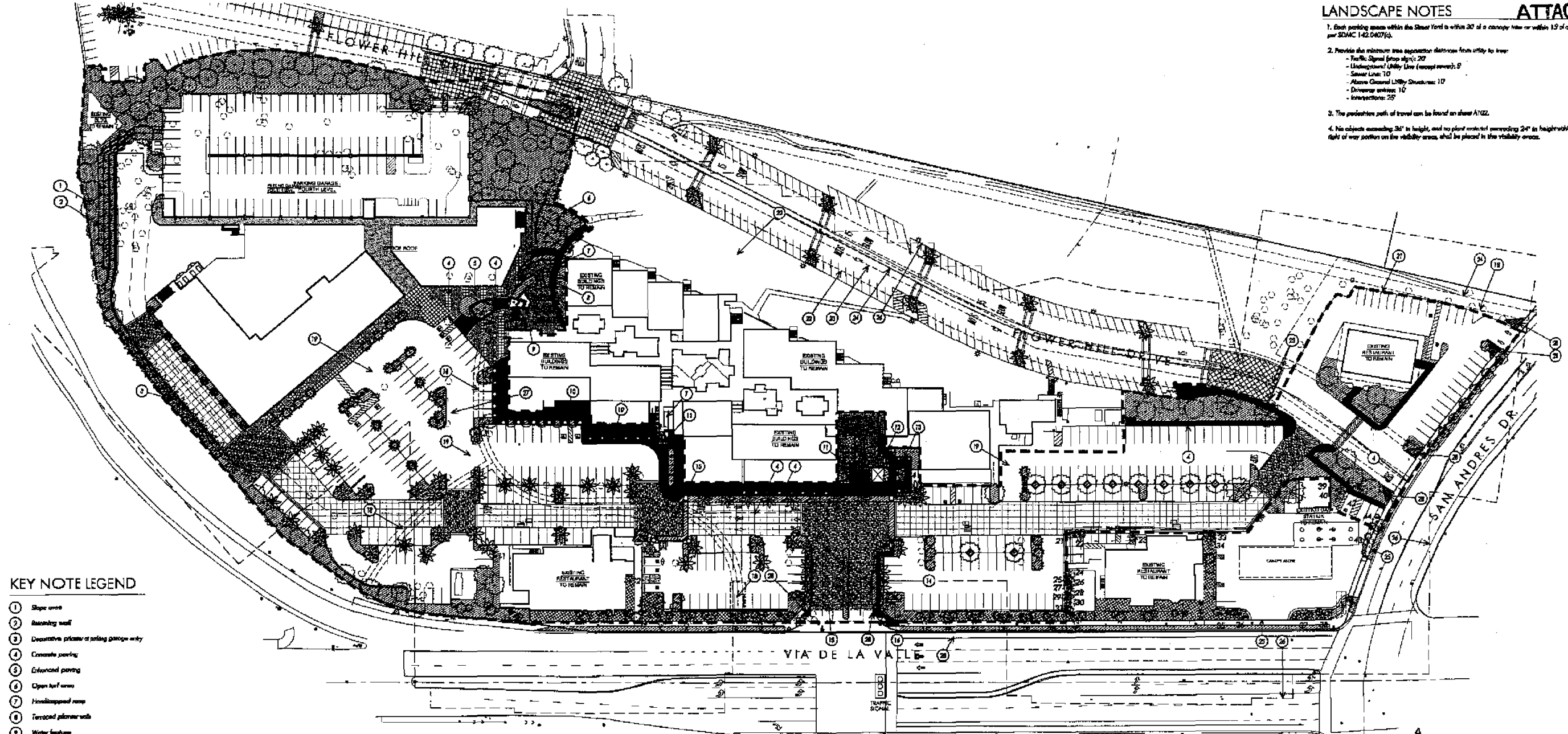
ENLARGED SECTIONS

SCALE: 1/4" = 1'-0"

SHEET A402

18 of 21

1. Each parking space within the Street Yard is within 30' of a canopy tree or within 15' of a palm tree per SDMC 142.0407(g).
2. Provide the minimum tree spacing distances from utility to tree:
 - Traffic Signal (stop sign): 20'
 - Underground Utility Line (except sewer): 5'
 - Sewer Line: 10'
 - Above Ground Utility Structures: 10'
 - Distance between trees: 10'
 - Intersections: 25'
3. The pedestrian path of travel can be found on sheet A102.
4. No objects exceeding 36" in height, and no plant material exceeding 24" in height within the public right of way portion on the visibility area, shall be placed in the visibility area.





KEY NOTE LEGEND

- 1 Slope area
- 2 Retaining wall
- 3 Decorative planter at riding garage entry
- 4 Concrete paving
- 5 Enhanced paving
- 6 Open turf area
- 7 Handicapped ramp
- 8 Terraced planter walls
- 9 Water feature
- 10 Planted pots
- 11 Concrete steps
- 12 Existing elevator
- 13 Bench
- 14 Decorative peak of entry
- 15 Concrete pavers
- 16 Commercial center steps
- 17 Sprig
- 18 Drainage easement
- 19 Water easement
- 20 Slope to remain
- 21 Limit of work
- 22 Transportation easement
- 23 Sewer easement
- 24 Utility easement
- 25 Right-of-way
- 26 100' brush boundary
- 27 Sewer
- 28 Visibility area

PROPOSED PLANT LEGEND

Symbol	Botanical Name / Common Name	Size	H / W	Form / Function	Sym
	<i>Protea n. 'Majestic Beauty' / Evergreen Ash</i>	24" tree	70 / 60	Canopy/Screen	22
	<i>Magnolia grandifolia / Southern Magnolia</i>	24" tree	80 / 80	Canopy/Screen	
	<i>Ulmus p. 'Tromp' / Evergreen Elm</i>	24" tree	60 / 70	Canopy/Screen	
	<i>Platanus occidentalis / Sycamore</i>	24" tree	60 / 40	Canopy/Screen	
	<i>Cupressus macrocarpa / Carrot Wood</i>	24" tree	40 / 30	Canopy/Screen	
	<i>Schinus molle / California Pepper Tree</i>	24" tree	40 / 40	Canopy/Screen	
	<i>Tipuana tipu / Tipu Tree</i>	24" tree	40 / 60	Canopy/Screen	
	<i>Adiantum 'Majestic' / NCCN</i>	24" tree	25 / 25	Small Accent Tree	
	<i>Lagerströmia 'Majestic' / Cream Myrtle</i>	24" tree	25 / 12	Small Accent Tree	
	<i>Ficus laurifolia / Evergreen Pear</i>	24" tree	30 / 30	Small Accent Tree	
	<i>Callistemon viticula / Weeping Bottlebrush</i>	24" tree	30 / 15	Vertical Evergreen	
	<i>Platanus 'Majestic' / Tiliacris</i>	24" tree	45 / 25	Vertical Evergreen	
	<i>Alnus 'Majestic' / Tree Alnus</i>	24" tree	30 / 15	Small Accent Tree	
	<i>Broussonetia 'Majestic' / Dragon Tree</i>	24" tree	20 / 20	Small Accent Tree	
	<i>Yucca glauca / Spanish Dagger</i>	24" tree	10 / 8	Small Accent Tree	23
	<i>Phoenix 'Majestic' / Date Palm</i>	20' BT	80 / 40	Palm Tree	
	<i>Washingtonia robusta / Mexican Fan Palm</i>	20' BT	100 / 25	Palm Tree	
	<i>Chamaecyparis humilis / Mediterranean Fan Palm</i>	36" tree	20 / 20	Palm Tree	
	<i>Syagrus romanzoffiana / Queen Palm (Palmaceae)</i>	N/A	50 / 25	Palm Tree	
	<i>Bambusa n. 'Majestic'</i>	24" tree	15 / 8	Vertical Evergreen/Screen	
	<i>Strelitzia reginae / Giant Bird of Paradise</i>	24" tree	30 / 30	Vertical Evergreen/Screen	

EXISTING PLANT LEGEND (ALL TO REMAIN)

Symbol	Botanical Name / Common Name	Size	H/ W	Form / Function
	SHRUBS			
	Agave sp. / Agave	5 gal	5' / 5'	Sculptural Accent
	Aloe sp. / Aloe	5 gal	5' / 5'	Sculptural Accent
	Argemone 'Majestic' / Kangaroo Paw	5 gal	5' / 3'	Clumping Mid-ground Planting
	Buxus sp. / Boxwood	5 gal	5' / 5'	Hedge
	Chloris 'Majestic' / NCCN	5 gal	2' / 2'	Clumping Mid-ground Planting
	Cordyline australis / NCCN	5 gal	20' / 6'	Sculptural Accent
	Dielsia 'Majestic' / Forsythia Lily	5 gal	3' / 3'	Clumping Mid-ground Planting
	Hemerocallis sp. / Daylily	1 gal	4' / 3'	Clumping Foreground Planting
	Ligularia 'Majestic' / Texas Phil	5 gal	8' / 6'	Hedge
	Liriodendron sp. / Lily Tul	1 gal	2' / 2'	Clumping Foreground Planting
	Phlox 'Majestic' / New Zealand Flor	5 gal	6' / 6'	Clumping Background Planting
	Philadelphus 'Majestic' / Mock Orange	5 gal	10' / 10'	Hedge
	Rhododendron sp. / Indian Hawthorne	5 gal	5' / 6'	Mounding Shrub
	Stellaria 'Majestic' / Bird of Paradise	5 gal	5' / 5'	Clumping Background Planting
	GROUNDCOVERS			
	Bougainvillea sp. / NCCN	1 gal	30' o.c.	Low, Mounding Groundcover
	Carex sp. / Green Carpet / Natal Plum	1 gal	24' o.c.	Low, Mounding Groundcover
	Liriodendron 'Majestic' / Honeyuckle	1 gal	30' o.c.	Low, Mounding Groundcover
	Myoporum 'Majestic' / NCCN	1 gal	18' o.c.	Low, Spreading Groundcover
	Trachelospermum 'Majestic' / Star Jasmine	1 gal	18' o.c.	Low, Spreading Groundcover

IRRIGATION AND MAINTENANCE NOTES

1. Irrigation will consist of a permanent automatic, below grade irrigated system with 100% coverage.
 2. Maintenance will be the responsibility of the Flower Hill Property Management Company.
- REVEGETATION AND EROSION CONTROL
1. All areas to be disturbed are 100' or further away from native or naturalized vegetation.
 2. All disturbed areas will be irrigated with a permanent, automatic below grade irrigation system.
 3. Revegetation of disturbed areas will consist of plants from the Proposed Plant List on this sheet within 90 days of completion of the project.
- BRUSH MANAGEMENT
1. All areas within 100' of all buildings (See Boundary on Plan, Key Note 26), is permanently irrigated and does not require a Brush Management Plan.

REVEGETATION AND EROSION CONTROL

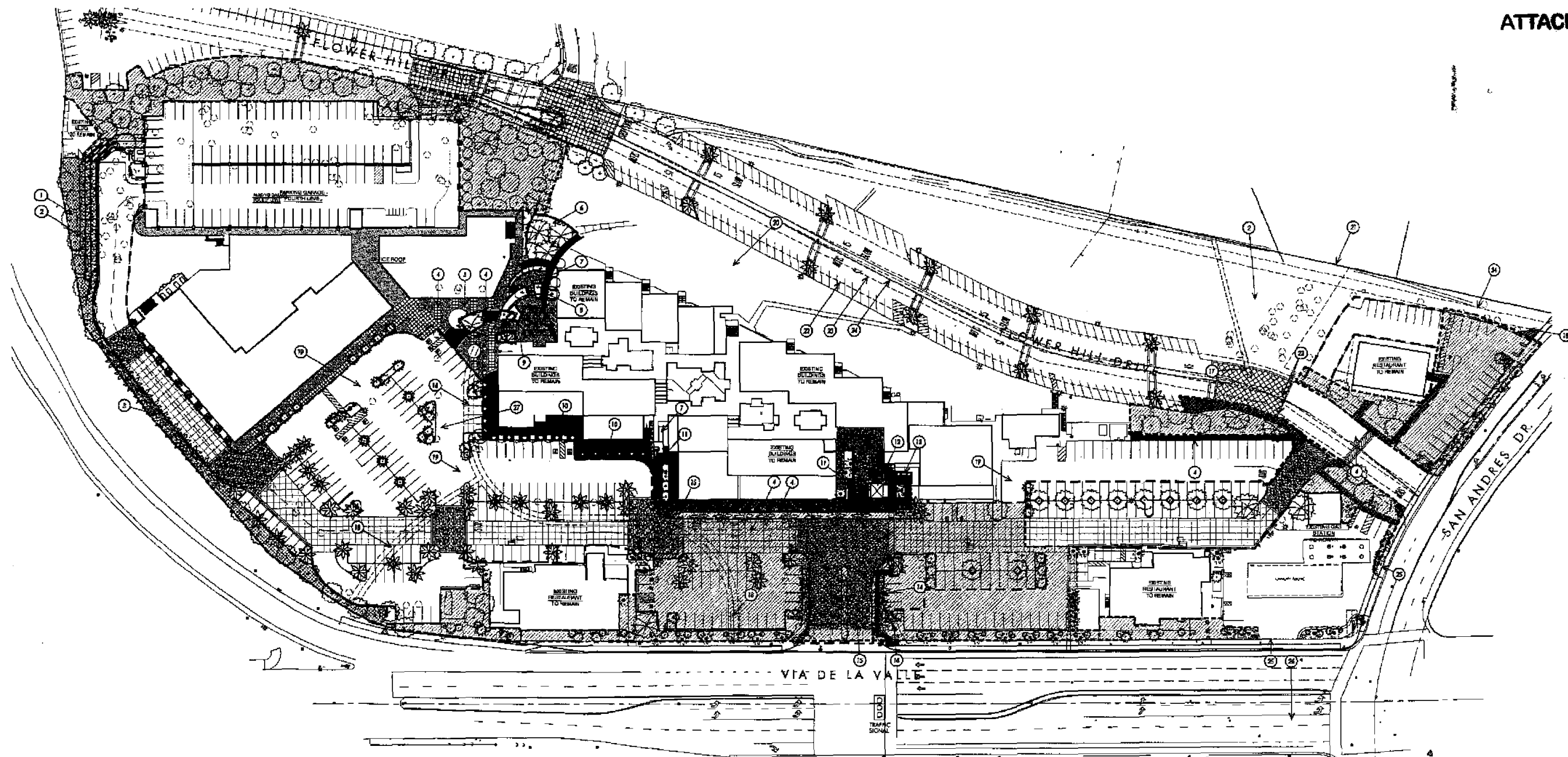
1. All areas to be disturbed are 100' or further away from native or naturalized vegetation.
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BRUSH MANAGEMENT

1. All areas within 100' of all buildings (See Boundary on Plan, Key Note 26), is permanently irrigated and does not require a Brush Management Plan.

COMPLETION	ORIGINAL DATE: 12/24/08	REVISION 4: 3/4/10
REVIEW	REVISION 1: 1/26/09	REVISION 5: 7/29/10
SUBMIT	REVISION 2: 5/10/09	REVISION 6: 8/27/10
	REVISION 3: 9/24/09	REVISION 7: 11/15/10

LANDSCAPE PLAN
SCALE: 1" = 40'
SHEET: LT01



KEY NOTE LEGEND

- | | |
|--|-----------------------------------|
| ① Slope area | ⑪ Residential development signage |
| ② Retaining wall | ⑫ Drainage easement |
| ③ Decorative planter or parking garage entry | ⑬ Water easement |
| ④ Concrete paving | ⑭ Slope to remain |
| ⑤ Enhanced paving | ⑮ Unit of work |
| ⑥ Open turf area | ⑯ Transportation easement |
| ⑦ Handicapped ramp | ⑰ Sewer easement |
| ⑧ Terraced planter beds | ⑱ Utility easement |
| ⑨ Water feature | ⑲ Right of way |
| ⑩ Planted pots | |
| ⑪ Concrete steps | |
| ⑫ Existing elevator | |
| ⑬ Bench | |
| ⑭ Decorative pots of entry | |
| ⑮ Concrete power | |
| ⑯ Commercial center signage | |

LANDSCAPE CALCULATIONS

STREET YARD

Planting Area Required	Planting Area Provided	Excess Area Provided
Total Area 113,515 sq. ft. x .25% = 28,379 sq. ft.	52,760 sq. ft.	24,380 sq. ft.
Planting Points Required	Planting Points Provided	Excess Points Provided
Total Area 113,515 sq. ft. x .05 = 5,675 points	14,040 points	8,365 points

REMAINING YARD

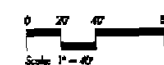
Planting Area Required	Planting Area Provided	Excess Area Provided
Total Area 9,260 sq. ft. x .30% = 2,780 sq. ft.	9,260 sq. ft.	6,480 sq. ft.
Planting Points Required	Planting Points Provided	Excess Points Provided
Total Area 9,260 sq. ft. x .05 = 463 points	3,240 points	2,777 points

VEHICULAR USE AREA > 6,000 SF

Planting Area Required	Planting Area Provided	Excess Area Provided
VIA Inside Street Yard 49,950 sq. ft. x .05 = 2,500 sq. ft.	3,630 sq. ft.	1,130 sq. ft.
VIA Outside Street Yard 100,700 sq. ft. x .03 = 3,020 sq. ft.	6,700 sq. ft.	3,680 sq. ft.

Required Plant Points	Planting Points Provided	Points Provided w/ Tree
VIA Inside Street Yard 49,950 sq. ft. x .06 = 2,997 points	2,640 points	1,100 points
VIA Outside Street Yard 100,700 sq. ft. x .03 = 3,020 points	4,815 points	3,100 points

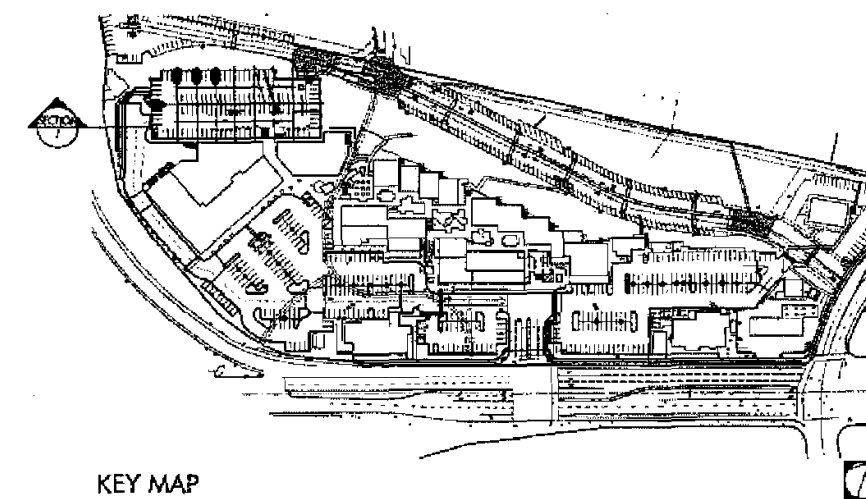
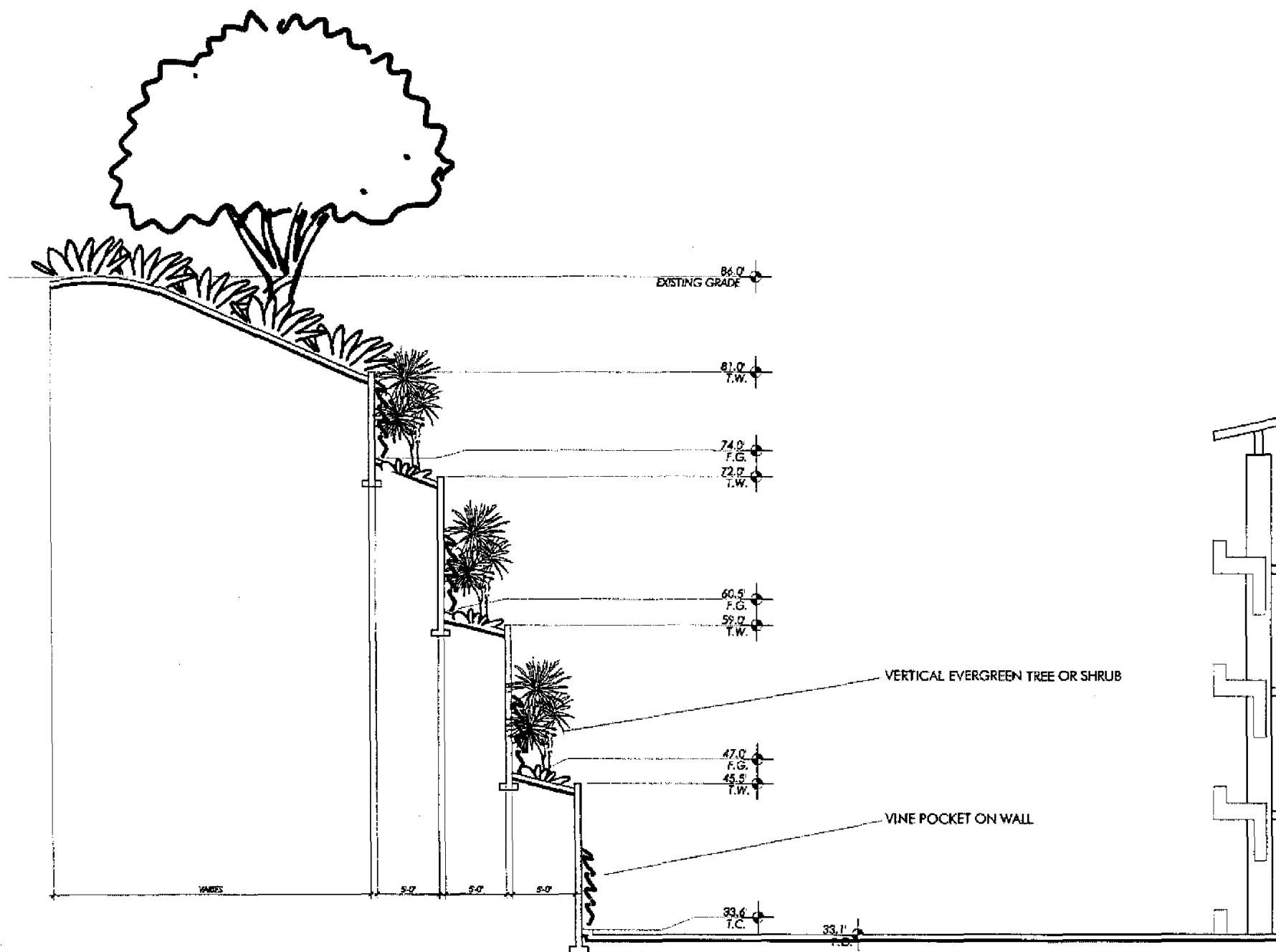
COMPLETION	ORIGINAL DATE 12/24/08	REVISION 4: 3/4/10
REVIEW	REVISION 1: 1/28/09	REVISION 5: 7/28/10
SUBMIT	REVISION 2: 8/25/09	REVISION 6: 8/24/10
	REVISION 3: 9/28/09	REVISION 7: 11/12/10



LANDSCAPE CALCULATIONS

SCALE SHEET L102





COMPLETIONS	ORIGINAL DATE: 12/24/05	REVISION 4: 2/4/10
REVIEW	REVISION 1: 1/26/09	REVISION 5: 7/20/10
FINAL	REVISION 3: 5/20/09	REVISION 6: 8/22/10
SUBMITTAL	REVISION 2: 6/22/09	REVISION 7: 11/15/10

LANDSCAPE SECTIONS

SCALE: 1/4" = 1'-0" SEE L103

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CARMEL VALLEY COMMUNITY PLANNING BOARD

**c/o Pardee Homes
Attn: Allen Kashani, CVCPB Secretary
6025 Edgewood Bend Court
San Diego, CA 92130
858-794-2571 / Fax: 858-794-2599**

August 2, 2010

Tim Daly
City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Subject: Flower Hill Promenade
Project No. 172026

Dear Tim:

The Carmel Valley Community Planning Board considered the above project on July 22, 2010. During the course of this project's development and design, we held numerous subcommittee and board meetings with the developer and concerned residents to discuss the applicant's proposal and its impacts to the community. The applicant also conducted direct meetings with concerned residents and neighbors.

The Flower Hill Promenade's presentation to the CVCPB was well attended by the immediate surrounding residents, City of Solana Beach, adjacent property owners, tenants and others. This is a project that the community has expressed concerns with and it was evaluated in a process that allowed the community to voice their concerns to the applicant and board.

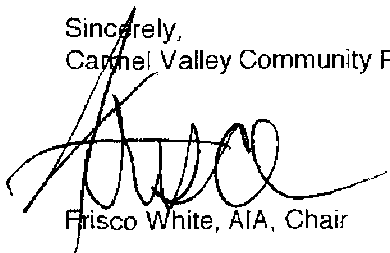
After a lively and objective exchange regarding the issues, we were able to work toward a reasonable solution and a motion that was acceptable to the Board. The Board expressed its support for the project with a vote of 11-3-0 with the following conditions and the Applicant has agreed with these conditions. The Board therefore recommends that these ten (10) conditions be seriously considered for the development permits that will be considered by the City of San Diego. Our conditions are as follows:

- 1 This recommendation of approval is conditional on consistency with the Draft EIR that was available to the Board at the time of action. The Board reserves the right to reconsider this action upon receipt and review of the Final EIR.
- 2 The Board does not support a realignment of Flower Hill Drive's intersection with San Andres based on a review of the facts presented and public testimony.
- 3 All improvements on San Andres south of Flower Hill Drive shall be within existing right-of-way or be on the applicant's property. Improvements on San Andres are not supported north of Flower Hill Drive.

Tim Daly
August 2, 2010
Page 2

- 4 The Board notes that updated comprehensive land use planning is needed for the Via De La Valle corridor due to concerns about community character resulting from both the cumulative changes occurring and potentially proposed to occur in this corridor, which is adjacent to the San Dieguito River Park, an environmental asset of immense value to the region. The Board requests that the City Planning & Community Investment Department prioritize preparing updated community plans for Via de la Valle, NCFUA Subarea II, and Fairbanks Ranch Country Club. Support for this proposed project does not imply that the board will support further densification or improvements.
- 5 The City of San Diego should verify parking requirements.
- 6 The applicant agrees to not oppose the community's desire for roundabouts at Via De La Valle and El Camino Real and immediately adjacent intersections currently under study by the City of San Diego.
- 7 The applicant will return to a Board subcommittee meeting before the Planning Commission hearing upon availability of the Final EIR with proposed building materials, colors and visual simulations of the entire west elevation of the project including buildings and the parking structure and terracing of the second story office above the building proposed for Whole Foods. The Board wants to ensure that the architecture, massing, scale, articulation, colors and materials present an appropriate visual appearance and contribute positively to community character, as this project is the gateway to the Via de la Valle corridor, which includes the San Dieguito River Park, and is visible from Interstate 5.
- 8 Hours of delivery shall be restricted to the City of San Diego noise ordinance. The applicant will consider further restricting hours to lessen the impact of delivery noise to the neighboring residences.
- 9 Landscape installation shall provide maturity at time of installation. New landscape planting materials, including trees, shrubs and specimen plants, should provide at least 3/4 of the height, width and coverage expected at full maturity.
- 10 Old and new signage shall conform to the current San Diego Sign Ordinance. A comprehensive signage program shall be presented to the Board for review and comments.

Sincerely,
Carmel Valley Community Planning Board,



Frisco White, AIA, Chair

cc: Mel Millstein, Council District 1
Chris Wahl



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☒ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☒ Other VACATION

Project Title

Flower Hill Promenade

Project No. For City Use Only

172026

Project Address:

2720 Via De La Valle, Del Mar 92014

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Project Title: Flower Hill Promenade	Project No. (For City Use Only) <u>1720240</u>
---	---

Part II - To be completed when property is held by a corporation or partnership**Legal Status (please check):**

☐ Corporation ☒ Limited Liability -or- ☐ General) What State? CA Corporate Identification No. 82-0561695
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☒ No

Corporate/Partnership Name (type or print):
Protea Flower Hill Mall, LLC

☒ Owner ☐ Tenant/Lessee

Street Address:
3262 Holiday Court, Suite 100
City/State/Zip:
La Jolla, CA 92037

Phone No: (858) 457-5593 Fax No: (858) 457-5689

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

12/17/03

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

DEVELOPMENT SERVICES
Project Chronology
Flower Hill Promenade - PTS# 172026

Date	Action	Description	City Review Time	Applicant Response
1/28/09	First Submittal	Project Deemed Complete		
3/16/09	First Assessment Letter		47 days	
5/20/09	Second Submittal			65 days
6/26/09	Second Review Complete		37 days	
9/28/09	Third Submittal			94 days
11/6/09	Third Review Complete		39 days	
3/10/10	DEIR			
4/14/10	Fourth Submittal			159 days
6/6/10	Fourth Review Complete		52 days	
9/20/10	Fifth Submittal			106 days
11/2/10	Fifth Review Complete		42 days	
11/17/10	Sixth Submittal			15 days
11/24/10	Recirculated DEIR			
12/16/10	Sixth Review Complete		28 days	
1/26/11	Seventh Submittal			41 days
1/27/11	Issues Complete		1 day	
2/22/11	FEIR			
3/10/11	PC Hearing		42 days	
TOTAL STAFF TIME			288 days	
TOTAL APPLICANT TIME				480 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Planning Commission	2 years, 1 month and 13 days	